The Revolution of Unreason *Alexander M. Bickel*

THE NEW REPUBLIC

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The Editors

With Dick in Europe

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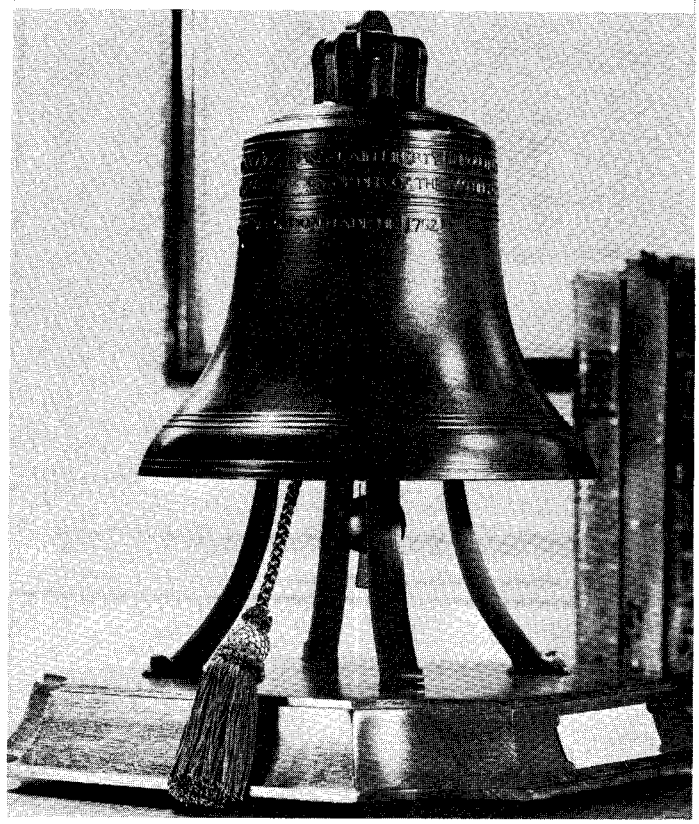

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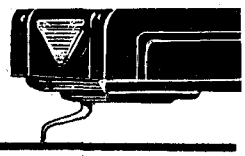

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from Washington

Criminal Act

Let us create an imaginary character, Sam Sutton, and say he is a black activist militant, who has just been convicted in federal court for supposed complicity in a Black Panther raid. Other members of the group get a couple of years. But suppose the new, pending Organized Crime Control Act of 1970 has become law. The judge looks Sutton over and decides that he comes within the definition of "dangerous special offender" and sentences him to 25 years in jail. Hard to credit? Not under this amazing statute.

What's the definition of "dangerous special offender"? One definition under the bill is that the offender has been convicted of two or more offenses of a kind punishable by death or imprisonment for more than one year, one of which offenses occurred within the past five years, and for one of which he has been imprisoned. Notice that curious juxtaposition "punishable by death – or imprisonment for more than one year." Quite a range, eh?

The record shows that, yes, Sutton has a juvenile conviction for stealing hub caps. That's one. And four years ago he was caught with marijuana and served a term. So the judge can throw the book at him.

Let it be said that this is an extreme case. But let it be also said that this is one of the most loosely written, hysterical and savage pieces of legislation in a generation. For example, our man Sutton runs greater dangers in his trial than I first indicated, one of them double jeopardy. Suppose the lower court acquits or doesn't give Sutton a drastic sentence; the government may appeal, and review the defendant's whole past life again in the next trial to see if a "pattern" of criminality occurs. Sutton can't cross-examine individuals who accuse him, just the probation officer who collected the charges. The controlling phrase is "preponderance of the information." Clearly unconstitutional, says the Association of the Bar of NYC.

We're all against crime, God knows! But fear has become paranoid, whooped up by the Administration. If you think the Sutton case extreme let's take another possibility, the dignified US Steel Corporation.

Yes, it sounds ludicrous. But suppose US Steel has raised prices and infuriated the brother of a President, who happens to be Attorney General. Suppose it's 20 years ahead and some future Bobby Kennedy decides to give US Steel (or other firm) the works under the anti-racketeering law of 1970. The AG charges that US Steel is buying screws in Cleveland from a company that is owned by a racketeer ("organized crime"). The AG can demand that US Steel open its books. He can send in a platoon of accountants and harass the company for months.

Or, to vary the thing, he can demand that the NAACP open its books, on suspicion that it is getting funds from a racketeering foundation.

There will be a spectacular new system of "special grand juries." These can indict in the ordinary way if they find guilt but, if they don't, they can report anyway, gossip, scandal, rumors, hearsay against public officials. The Senate specified "elected" officials, but the House committee carefully changed this to "appointed" officials. There was sensitivity about "elected."

A funny thing about this new program, certain to become law: nowhere is there a definition of "organized crime." The bill passed the Senate 73 to 1 (courageous Lee Metcalf, D, Montana, a former judge, was the lone dissenter). In the House committee three members brought in a scathing minority report: Conyers (D) Detroit, Mikva (D) Chicago, Ryan (D) NYC, all lawyers, all crime-haters, but all Constitutionalists. When they asked for a definition of "organized crime" the majority said that "it was impossible to define, but everybody knew what it was."

The House hoped the bill through last week, 341-36, as the Senate passed its version of another anti-crime bill, 54-9, directed at drugs, complete with a no-knock raid provision. Both bills contain good features; their overwhelming push is toward federal centralization.

There's an archaic legal phrase, "corruption of blood." It means that when a king chopped off a duke's head he could also declare forfeit the property of the whole blood-line (*ie.* family). The first US Congress in 1790 abolished "corruption of blood"; the 91st Congress in 1970 is putting it back. Yes, Title IX section 1962, requires that a convicted offender "forfeit all interest, direct or indirect, in any enterprise which he has obtained . . . from a pattern of racketeering activity" or by the collection of "unlawful debt." The purpose is to prevent the Mafia, etc., from investing illicit gains in legitimate business. Very commendable. But the looseness of the law is appalling.

Suppose, for example, a gambler in Las Vegas (where it's legal) wins $5000 at blackjack, takes an IOU, and collects in New York where it's illegal. Presumably that's an "unlawful debt." Suppose he uses this and other funds to buy laundrymats in Utah, and puts them up as collateral for a loan with the Third National Bank of Zion City. He's convicted and goes to jail. By the new law, under certain circumstances, he forfeits the laundrymats under the "corruption of blood" doctrine. The unfortunate bank (or other innocent third party) holds the bag. Sure, they can sue the gambler for lost collateral. But he's in for 10 years (maybe 25 as a "dangerous special offender"). The whole legal landscape is altered.

Probably it's unconstitutional. But as Chief Justice Burger said in his State of the Judiciary Address, August 10: "The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of case loads."

The Administration threw a last-minute death-penalty clause into the omnibus bill for certain types of street and campus bombings, with automatic FBI supervision. "I know it's a terrible law, but who can vote against that death penalty?" said one unhappy congressman.

The *Los Angeles Times* warned about making the FBI "a national police force." How old-fashioned. The biggest excavation today in Washington is for the new FBI building, a city block square, three stories deep, on Pennsylvania Avenue.

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Nixon's Peace Plan

In these cheerless times, we search with special diligence for any scrap of good news. So we study the President's latest plan for peace in Indochina, and the background briefing, hoping to find something that justifies the extravagant claims (new, sweeping, comprehensive) made for it. We're still searching. As a domestic political document, it is compelling. As a negotiating document it is not, being a collection of old ideas, retouched a bit, superadvertised and packaged for sale not in Paris France, but in Paris Maine, Paris Arkansas, and Paris Illinois.

Greatest attention has been given to the proposal for a standstill cease-fire. Except that Mr. Nixon would now extend it to all Indochina (since he himself took military action that widened the war), the idea is a rerun. In May last year, the President called for "an international supervisory body [to] participate in arranging supervised cease-fires." This past December, he again "proposed a cease-fire under international supervision." The "other side" was not interested then; it is likely to be even less interested now. The reason for that can be found in the White House statement that the cease-fire idea was put forward again, and with more fanfare, only after an extensive review of the military situation had convinced the President that stopping the shooting would be militarily safe for us. The spokesman stopped just short of admitting it would be to our advantage, but the clear implication that it would be to the disadvantage of Hanoi and the Vietcong diminishes any chance it may have of acceptance. A year ago in these pages, it was pointed out that a standstill ceasefire, in advance of a political agreement, "would lose for the Vietcong and their allies in the North everything for which they have fought during the past 25 years; namely, political control of Vietnam." Today, it would ratify the balance of terror in South Vietnam in our favor, for American and South Vietnamese government forces now command key population centers by weight of sheer numbers. As the White House knows, the North Vietnamese are returning to a tactic which may tip this balance – concentrated guerrilla warfare. The President would require them to abandon this strategy; a cease-fire should cause "all kinds of warfare to stop . . . including bombing and acts of terror." That is a one-sided call for surrender. Mr. Nixon said nothing last week about

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abandoning our pacification program; he did not suggest that US advisers, unharrassed, would stop training South Vietnamese forces; or that the large civilian police force in the South would cease ferreting out the Vietcong and its sympathizers.

A standstill cease-fire would, however, prevent Hanoi from overrunning Cambodia completely, thus confronting the Administration with a Communist *fait accompli* in future negotiations – which is another reason the proposal has more appeal in Washington than in Hanoi. Though Lon Nol hangs on, reports from Phnom Penh indicate that his government is almost totally isolated from the countryside. What Lon Nol needs most, and Hanoi least, is breathing time to organize and train an effective army.

Still, if the cease-fire proposal were coupled with some genuine political concessions to the Vietcong and Hanoi, it might have some chance of breaking the Paris "logjam." No such concessions can be found in the President's package. The offer of an expanded peace conference is a grandstand play, a bit of decoration. A White House spokesman as good as acknowledged that an international conference had not been discussed with possible participants, that the shape it might take is unclear to the Administration, and that its relationship, if any, to the surviving Geneva Conference structure (Britain, Soviet Union as co-chairmen) has not been thought out.

Nor can we discern anything new in the President's readiness to "withdraw all our forces as part of a settlement based on the principles I spelled out previously and the proposals I am making tonight." That is, in essence, a restatement of the basic Johnson-Nixon line: You get out and we'll get out. Mr. Nixon made the same point last November: "We have offered the complete withdrawal of all outside forces within one year." Noting that the word "mutual" was not used by the President this time, one correspondent pressed the White House briefing officer on whether this meant the US no longer would insist on mutual withdrawals. No, came the answer, the general principle still stands; we would expect that *all* outside forces would return to the borders of their countries. In brief, if North Vietnam accepts its momentarily inferior position on the battlefield, and agrees to give up the idea of marching anywhere, Mr. Nixon is willing to negotiate a complete withdrawal. Here again, the false equation is made between the presence in Vietnam of US and of North Vietnamese troops. Both are to be thought of as alien intruders.

Underneath all these proposals – a cease-fire, exchange of prisoners, troop withdrawals – lies the fundamental question of who shall govern in the South. The outlines of a "political solution" the President gave us last week corresponded in almost every detail with his previous formulations. He said in April ". . . a fair political solution should reflect the existing relationship of political forces within South Vietnam," and that he and President Thieu "have repeatedly stated our willingness to accept the free decision of the South Vietnamese people." But, he added, "we will not agree to the arrogant demand that the elected leaders of the government of Vietnam be overthrown before real negotiations begin." No change. Mr. Nixon remains committed to seeing it through with Thieu. Though he did not last week refer to "free elections," he repeated that "we seek a political solution that reflects the will of the South Vietnamese people," and that "a fair political solution should reflect the existing relationship of political forces." Then he went on to say something downright misleading: the North Vietnamese "want to dismantle the organized non-Communist forces and insure the takeover by one party, and they demand the right to exclude whomever they wish from government. This patently unreasonable demand is totally unacceptable." But that is not what the Vietcong, in its eight-point peace plan, demanded. It has made a quite explicit statement about whom they would negotiate with, specifically excluding only Thieu, Ky and Khiem. They said they would talk to those members of the present Saigon government who stood for "peace, independence and neutrality." This does not sound like to move to "dismantle the organized non-Communist parties." Moreover, the only organized non-Communist parties in Vietnam today are the Catholics, Buddhists, and a ragtag nationalist party controlled mainly by army officers, and the Buddhists are willing to negotiate with the Vietcong.

Finally, that the United States should justify its military intervention in Indochina on the grounds that we must defend the principle of self-determination for the South Vietnamese is beyond comprehension. "We stand firm," Mr. Nixon says, "for the right of all the South Vietnamese people to determine for themselves the kind of government they want." His selective application of Wilsonianism (making Vietnam safe for democracy) not only has no relevance to the traditional Vietnamese life, but it bears no relation to American behavior elsewhere. No such right, or lack of right, by the people to freely choose their governors inhibits the US from having cordial dealings with not-so-democratic nations. Self-determination is not, for example, a precondition for our resumption of military aid to the Greek junta, or our military arrangements with Franco, or for assistance given Latin American dictatorships.

So what has the President left for us to hold to? He leaves us with the knowledge that, in the absence of a negotiated settlement, US troop strength in Indochina in the spring of 1971, more than two years after Mr. Nixon took office, will be only around 280,000. We don't like to think that this "new" package has nothing more in it than campaign cookies for hungry Republican candidate, but that's how it looks.

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Time Out for Students

The Movement for a New Congress at Princeton maintains an "incomplete" list of colleges and universities that have committed themselves to the so-called Princeton Plan, under which classes will be suspended for a week or two prior to the November 3 elections, freeing students to campaign (College of Wooster, Cornell, City University of New York, Lowell State, Lutheran School of Theology, Macalester, Mundelein, MIT, Oberlin, Princeton, Rutgers). MNC lists a number of other institutions it considers "probable" participants – Clark and Sarah Lawrence. A few other schools will allow students to take time off and make up any missed work later. Some have rejected the Plan (Harvard, Yale, Columbia, Notre Dame, John Hopkins, Georgetown, University of Virginia, American, and the University of Maryland).

According to a spokesman for the American Council on Education in Washington, a preponderance of the nation's 2500 colleges and universities are against time off, not because of early and baseless fears that it would endanger the schools' tax status or incur the wrath of nonbenefitting politicians, but because a recess planned "at this late date" would play havoc with academic calendars. About 75 schools feel that students have ample opportunity to campaign without closing down institutions altogether, and that, on an individual basis students can negotiate an arrangement with professors. A number of institutions, including Columbia, say that a "political break" would interfere with the basic "scholarly function" of the university. The general public, according to Gallup, is split down the middle: 47 percent favoring a two-week recess, 45 against.

The ACE has polled the nation's colleges and universities and has responses from about 450. The general tenor of the replies is negative, as was much of the mail received by Sen. Charles Percy (R, Ill.), who wrote educators last May in support of the plan.

In addition to some of the schools listed by the Movement for a New Congress, ACE lists as "definite" participants in some sort of recess Grinnell, Albion, Stanford, the University of Pittsburgh.) Others have adopted unique variations. Hood College, for instance, allows students "unlimited cuts" as a general practice, although students are responsible for tests and laboratory work. To eliminate any confusion, Hood will allow students to be absent without penalty during the third week of October; no classes, however, will be suspended. Several schools have provided in their calendars for a pre-election long weekend (Trinity [Conn.], St. Olaf, Hollins, Middlebury) but don't consider it a political recess.

The Princeton Plan has come in for political abuse. It does not, as Vice President Agnew and others have suggested, call for missing classwork or shortening the academic year, but rather a rearrangement of schedules and a diminution of other traditional vacation periods in compensation.

MNC estimates that 20,000 students helped in primary races this summer, and more are signing up for the final push. It hopes to mobilize as many as 100,000 of the 7.6 million degree students who are estimated to be enrolled this fall. An organizational meeting conducted by the New Jersey Office of MNC a few weeks ago added 500 names to the list of student campaigners in that state.

Twenty-four of the 30 congressional candidates for whom MNC people have campaigned have won their primaries. The victory of Rev. Robert F. Drinan in the September 15 Massachusetts primary is an example. Hundreds of students canvassed, phoned, and campaigned. Some 400 students worked on primary day. It was a rainy day and the turnout was light, but not in the areas canvassed for Drinan by MNC.

Report from Britain

Labour and Labor

Blackpool

What the Labour Party's first conference since the Conservatives' victory four months ago revealed, was the central dilemma facing any party in a modern industrialized state that chooses to make the backing of the labor unions both the basis of its organizational strength and the guarantee of its financial viability. Put brutally, what happened at Blackpool was that the unions, having for years paid the piper, decided that the moment had come for them to call the tune. The result was the public humiliation of the party's parliamentary leaders who – stripped of the majesty of office – suddenly found themselves in danger of being made to look the mere tools of a self-seeking interest group. On wage policy, on the rights of independent decision-making by the parliamentary leadership, on the present protected position of labor unions under the law, the men on the platform fought in vain to save themselves being given specific marching orders by the representatives of industrial power who filled the floor. By the end of the week Harold Wilson and his colleagues had been publicly dragged behind the chariot wheels of a new and militant trade union leadership.

The Labour Party in parliament has always had a struggle to assert its independence of that organized body of industrial might to which originally it owed its existence. What is novel (and potentially highly

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dangerous) is the degree of public resentment that has built up against the unions among the public at large. Any political party that has union leaders (even nominally) for its friends hardly needs to search for an enemy. For the past three weeks eight million Londoners have been without their morning papers because of an industrial stoppage on the part of the union that distributes them; a garbage and sewage workers' strike is now threatening public health in major towns throughout Britain; and, as if that is not enough to tax the average citizen's patience, both transport and fuel supplies are expected to grind to a halt just as the winter begins because of threatened strikes among railway workers and coal miners.

Naturally, if all the nation's ten million labor union members automatically supported the party that is supposed to represent them, Labour's electoral position would not be so vulnerable. But they do not – and never have. As long as a decade ago, Hugh Gaitskell found it necessary to warn an earlier party conference at Blackpool that nearly a third of the country's union members – and even more of their wives – must be considered normally to vote Conservative. A Labour Party reduced simply to the support of politically militant union members would face not so much defeat as decimation at the polls. The private nightmare of the shrewder and franker of the party's parliamentary leaders is of a winter of unprecedented industrial unrest, of mounting public indignation culminating in an appeal by the new Tory government for a real mandate to deal with the whole union problem. Such an election, they fear, would produce not a Conservative majority of 30 (the present figure) but of one more like 300. At one stroke the whole political geography of Britain could be changed. And in their hearts the delegates at Blackpool know very well that – given a similar opportunity – their own leader, Mr. Wilson, would take it unhesitatingly.

Anthony Howard

The Nixon Watch

With Dick in Europe

Limerick, Ireland

Mr. Nixon offered the best possible commentary upon his latest trip to Europe, the third of his Presidency if his stops in Rumania and Britain at the end of his Asian tour last year are counted, when he volunteered to help the reporters who accompanied him make a degree of sense out of this journey that the honest ones among us could not pretend to make on our own. By the time we arrived here after visits in six days to Italy, the Vatican, the Sixth Fleet in the Mediterranean, Yugoslavia, Spain and Britain, the accepted wisdom in the press party was that the trip made no coherent sense and had produced no discernible pattern of purpose and accomplishment. It had amounted, we told each other, to little more than cumulative and wearying confirmation of the fact that it was conceived for domestic political purposes and of the prospect that it was soon to be exploited to the full for those purposes in the last weeks of the congressional campaign. The President's press secretary, Ronald Ziegler, was so informed when he asked some of the frustrated correspondents in his charge what they thought of the expedition. William Safire, a Nixon writer who was abruptly detached from campaign duty with Vice President Agnew and flown here to assist the President in preparing something believable and useful to say when he got home, wandered among his journalist friends at the bar of the Limerick Inn, asking with rather forlorn mockery whether they had discovered "a great, underlying theme" in the trip and, if so, would they please tell him what it was. He was told and presumably reported to Mr. Nixon that the traveling press was fresh out of great, underlying themes.

The President sought to repair the lack in a 20-minute discourse to reporters whom he invited to a cocktail party on Sunday afternoon at a hotel that used to be an Irish castle. He came to his party from Kilfrush House, one of two Irish mansions owned by his host for the weekend, John A. Mulcahy, a multimillionaire Irish-American manufacturer who is said to contribute generously to the Republican Party, to various Catholic and conservative causes, and to the economy of this part of Ireland. Mr. Nixon had intended to spend the afternoon and night at the second Mulcahy mansion, which is reputed to be even bigger and more lavishly refurbished than Kilfrush House, an edifice that reminded reporters who saw it and its surrounding 225 acres of a miniature Hilton hotel. Army Signal Corps switchboards complete with operators, technicians and miles of secured telephone lines had been set up at both places, and the one at the second mansion was quietly dismantled when Mr. Nixon changed his mind. It was an unnoticed casualty, picayune in relative cost, of the enormous logistical operation that must attend a Presidential tour. Mr. Nixon said at his party that he worked through the afternoon on White House chores – including, his guests gathered from what he also said, the careful preparation of "some conclusions with regard to the trip" that he hoped the press would find helpful.

His conclusions were interesting in themselves, but they were even more interesting for what they and the way in which they were presented revealed of Mr. Nixon. Some of the reporters who were there (I was

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down with a cold and rely here upon their impressions) perceived beneath his appearance of genial ease a strained and conscious attempt at self-control. The official transcript bears out that impression. It was evident that Mr. Nixon not only wanted the press to accept and be guided by his conclusions but had persuaded himself that they amounted to a correct and sufficient explanation and justification. His earnest tone and manner left no doubt about that. But something, perhaps a doubt that the reporters would be as impressed by his account as he was, bothered him. His hands, clasped firmly to the front, flew out occasionally in that nervous, beseeching way of his. Twice (some said three times) he said "Sixth Feet" when he meant "Sixth Fleet." He got the sequence of his recent travels wrong: "That is why I first visited the Sixth Fleet," he said, forgetting that he had first visited President Saragat of Italy and Pope Paul. He stumbled painfully when he spoke of "irresponsible, radical elements" in the Middle East that could "set in the course of events, the train of events, set in motion – I meant to say – a train of events that would escalate into a possible confrontation between major powers in the area."

The Nixon conclusions may be summarized as follows. His purpose – "*the* purpose" – was "to strengthen the structure of peace" and to strengthen it particularly "in the Mediterranean area." For this he relied upon NATO, upon such allies as Italy and Greece, but especially upon the US Sixth Fleet and the "military stability and military strength" that it embodied. Friendship for the United States, understanding if not total support of its policies among the leaders of nonaligned nations, confidence in the American desire and will for peace in Vietnam and elsewhere – these were important, and he felt that he had contributed to all these factors with his trip. But his great, underlying theme, the one that the President emphasized on this occasion and throughout the trip, was the importance and necessity of sustained American military power and his special determination to sustain that power as it was represented by the Sixth Fleet in the Mediterranean and Middle Eastern areas.

Mr. Nixon, in short, was off on a power kick. He had convinced himself, and now sought to convince others, that the American power vested in the Sixth Fleet and its deterrent effect primarily accounted for the recent resolution of the conflict in Jordan. The most that one of his closest foreign policy advisers had previously claimed and still claimed was that the US made "a significant contribution" to the containment of the Jordanian crisis. Others gave more credit to Soviet persuasion and the Israeli forces massed at Jordan's borders. Mr. Nixon was having none of that sort of humility when and after he arrived in Rome. His own words justify the statement that he was imbued to the point of obsession with American power and with the power of the American Presidency.

At the end of his Vatican audience, he reminded Pope Paul that the President of the United States was about to take off in an Army helicopter from St. Peter's Square to visit "the mightiest military force which exists in the world on any ocean." He walked from the Papal Library into the Vatican's Clementine Room and said to American clerics assembled there that "the power of the spirit" which they exercise fills a need "that can't be filled by a man even as powerful as the President of the United States." He also said, with questionable accuracy, that he was about to visit "the mightiest fleet that has ever been assembled in the history of the world," and concluded with these words: "Speaking very humbly, as President of the strongest nation in the world, with more power, perhaps, than any leader in the world, I can say with all the power I have, you have something, you and your colleagues, that the world needs and particularly the young people of the world need very much today." He told the same hearers a little story about himself. Sometimes in the night at the White House, he said, he comes half awake and thinks of a problem that he ought to speak to the President about. "Then, when I am fully awake, I realize that I am the President."

It seemed for awhile that the shock of Gamel Nasser's death, with its unpredictable effects upon the Nixon search for peace in the Middle East, and the eight hours the President spent with Josip Tito in Yugoslavia, had served to moderate the power rhetoric. Nixon and Tito appeared to hit it off impressively well and I am in no position to disagree with correspondents who concluded, partly for want of any more satisfying conclusion, that the exposure to Marshal Tito's view of the world may turn out to have been the one really productive aspect of the trip. But it must be noted that Mr. Nixon was still pondering the news of Nasser when he assured the men of the Sixth Fleet that "the fact that we were ready with the power exemplified by this mighty fleet" constituted "the most important, indispensable reason" why general war had not erupted in the Middle East. In his summation for the press in Ireland, the President attached more importance to what he considered to have been his success in bringing Marshal Tito to an adequate understanding of American policy than to any new understanding that he, Mr. Nixon, may have derived from his Yugoslav host. One of Tito's beliefs, politely expressed to Mr. Nixon, is that the United States and the Soviet Union could best serve the interests of the Mediterranean area by getting out of it. Mr. Nixon was talking about and to the Soviet Union when he said in Ireland: ". . . in the event that other forces, naval forces, should threaten the position of strength which the Sixth Fleet now enjoys, then the United States must be prepared to take the action necessary to maintain that overall strength of the

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Sixth Fleet." He was not asked and he did not attempt to reconcile this assertion with the substantial reductions of American naval and other military power, Vietnam apart, to which he is committed.

The President's only assay at serious business in Ireland, at the end of his trip, was a Sunday morning conference at Kilfrush House with Ambassadors David K. E. Bruce and Philip Habib, his negotiators at the Vietnam talks in Paris. Mr. Nixon forbade his spokesmen and companions, Henry Kissinger included, to say one meaningful word about the meeting and its possible consequences in the way of a fresh Vietnam initiative. He reserved any announcement along that line for himself and he is welcome to the privilege. After watching and hearing Mr. Nixon on his power jag in Europe, I will believe that he is capable of a true peace initiative in Vietnam when he proves it.

John Osborne

Going for Gilligan

Columbus

Ohio's the biggest sleeper in the campaign. It's about the only state I've been in this fall in which the parting plea was not, "don't forget to say we're short of funds." John J. Gilligan, the Democratic gubernatorial candidate, isn't. Right after the spring primary, he held a series of $100 per plate dinners and cocktail parties that netted $200,000. There have been more since. His budget is $1 million, and no one seems to have any doubts about the availability of that much money, in itself an indication of the mood of Ohio Democrats. As one aide put it, "a lot of sinus passages have cleared up and they can smell a winner." The first Sunday in October, the Columbus *Post-Dispatch*, the voice of conservatism in central Ohio, reported Gilligan leading statewide, 52-40, with most of the rest undecided (the American Independent Party nominee was polling just under one percent, quite a drop from Wallace's 14 points in Ohio two years ago).

Right after the spring primary, a scandal involving the state's revolving investment loan fund broke. Three statewide candidates out of seven nominated by the GOP, including State Auditor Roger Cloud, the party's nominee for governor, were eventually caught up in it. A Grand Jury was called, but none of the GOP hopefuls involved were summoned; however, in late September the GOP prosecuting attorney in Columbus did ask Gilligan and Democratic State Chairman Eugene (Pete) O'Brady to appear. It was a blatantly political move; neither man had been implicated. Then it developed that the Grand Jury's warrant had run out. Nothing has happened since. To Ohio's conservative voters, particularly in the rural areas where allegiance to the GOP has been a badge of respectability, the scandal and the failure to clean it up has had a devastating effect. Many say they don't plan to vote at all. Without good margins from these counties, the Republican ticket will be wiped out, perhaps from top to bottom.

But the real scandal in Ohio is in another set of figures. Ohio is the fifth wealthiest state in the union; yet, after several decades of deadening conservative rule broken only by Gov. Mike DiSalle's controversial four years, the state's services are collapsing. Last year, 14 school districts had to close for periods of up to several weeks, because they ran out of money. The state had to withdraw its mental hospitals from the Medicare program, because of such things as fire hazards and nursing personnel. In a state hot for law and order, enforcement sometimes turns into a comedy of errors. Imagine a highway patrolman pursuing a bandit who just robbed a filling station down one of the Interstate Highways. Since the patrolman can't communicate by radio with many sheriffs' offices, he's apt to have to stop at a pay phone to get a road block set up. In one such case, a bandit fled the length of the state, only to be captured promptly when he crossed the river into Kentucky.

Gilligan traces the beginning of this deplorable condition to the long reign of Frank Lausche, who regularly competed as governor with a Republican-controlled state legislature in budget cutting. Today, Ohio is 46th in per capita expenditures (measured against income) for state aid to education, mental health and hospitals. It's 49th in police protection. The state government is a hopeless maze of agencies, bureaus and boards. Each has its own administrative divisions around the state, none of which coincide. Thus, for the average voter to find his way through the state's services is like searching for the proverbial needle in a haystack. Gilligan would like to try his hand at revamping this.

The White House has sent in Harry (Buck) Limehouse, a young man from Charleston, South Carolina, who is regarded as a protege of Sen. J. Strom Thurmond and Harry Dent. According to press accounts, he was "loaned" by the Republican National Committee to the campaign. A search, going back years, has been made of all of Gilligan's public statements in hope of finding something to link him to student unrest. They dug up an account of a speech made in Cincinnati six years ago. Translated into a radio ad, it had Gilligan saying the "university crowd should start riots and political revolutions in the area of what this country so obviously needs." Gilligan denied it and his strong protests caused most stations to take it off the air. But that didn't discourage Limehouse. Followed by a little, mustachioed man carrying a poly-

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graph box, he flew around the state holding press conferences to demand Gilligan take a lie detector test. At least one reporter walked out on him.

Gilligan had already taken a tough line on "kids." He made youthful volunteers sign statements saying they believe in the system and won't resort to violence. He has 500 or 600 such signed statements.

The state's financial woes make any realistic discussion of taxes difficult. Gilligan once referred to a study which showed the state would have to spend $1 billion per year to bring itself up to par. Guess how that's being interpreted? Gilligan, it seems, was calling for a billion dollar state income tax. He has mentioned that it's too bad Ohio is the only major industrial state without a corporate income tax. But he hasn't talked about pouring one billion dollars into an antiquated structure. This year, the favorite slogan of Ohio's GOP is "eight years without any new taxes," which is misleading. Property taxes, now at almost a confiscatory level, have gone up 60 percent in the past eight years. Property taxes for schools are up 135 percent since 1960. A man making $3000 per year pays 15 percent of his income in state and local taxes, while the fellow making $50,000 kicks in two percent. No wonder voters approved only 42.5 percent of the 150 proposals for increased school levies in the May primary, despite the decay of the schools.

GOP loyalties in the rural areas may be so dogged that facts such as these won't cut any ice. But they do in the suburbs, where mental health, education and air and water pollution are top priorities. Polls show pollution is up from 12 percent in July of 1969 to 33 percent in June of 1970 as the number-one concern of voters, putting it into competition with student unrest. It is in the suburbs, where party loyalties have broken down, that Democrats have an unexcelled opportunity in '70.

Only a few years ago, the once proud GOP organization in Ohio furnished a national chairman for their party – Ray C. Bliss. It claimed solid support from the business community which, this year, is giving its coins to Gilligan by the handfuls. (A fund raiser for Gilligan's opponent in Cleveland had to be cancelled a few weeks ago, because only 25 tickets had been sold.) Bliss, who was dismissed by Nixon, has retired to the sidelines; so Limehouse bounces about the state, showing Ohio Republicans how to use the "Southern strategy." For decades, Republicans have moved through the chairs of government like the good Masons, Elks and Odd Fellows they are. Roger Cloud is in this tradition. He started in the legislature, became speaker, then auditor and, in 1970, was to move to the governor's mansion. Now he faces political extinction, along with many of his colleagues.

Robert Taft, Jr. – the GOP senatorial candidate – could go down with them. Many key Republicans blame him for the party's dilemma, because he ran against Gov. James Rhodes for the senatorial nomination, instead of accepting their generous offer of the governorship. Then, when the scandal broke, he demanded an "independent audit." The reaction of the party hierarchy must have been swift and angry. Taft didn't mention it again, which has damaged his image as "Mr. Integrity." A listless, bland campaigner, he isn't lighting any fires around the state. In contrast, the Democratic contender for the senatorial seat, Howard Metzenbaum, has shown a talent for identifying with the average man and has a growing following of his own, often in the same small towns in which Taft is considered unbeatable. With a trend running toward the Democrats, Metzenbaum is given a 50-50 chance. Polls of both camps are so close no one will disclose the results. Taft is a gentleman, which makes it hard for him to join in Limehouse's fun and games. Thus far, he's only been able to bring himself to accuse Metzenbaum of being a disciple of Sen. McGovern, because of his announced support of the McGovern-Hatfield peace plan. That doesn't sound too ominous in Ohio this year.

Not only are state offices in Ohio up for grabs, along with the Senate seat, but three or four House seats could tumble into Democratic hands along with one or both houses of the legislature. The national implications of any such landslide are intriguing. No Republican has been elected President in this century without carrying Ohio; an early September poll showed President Nixon trailing Sen. Edmund S. Muskie 47 to 45 in Ohio.

The GOP has carved congressional and legislative districts so expertly that it does take a landslide for Democrats to get their share. But a five-man commission handles reapportionment, made up of the governor, the secretary of state, the auditor and one from each party in the legislature. The Democrats thus must win two of the statewide offices. Their best chance here is in the race for auditor, where 77-year-old "Jumping Joe" Ferguson is trying to make a comeback. His opponent is a young GOP legislator named Tracy. "Jumping Joe" assures friends he beat the boy's father and grandfather in the past, and can handle the boy, too.

There's one thing left for the GOP to try. Hippies. The weekend I was in Ohio, the first rumbles were heard. A university official told Gilligan's people he had been contacted by a GOP manager to see if students could be hired to break out windows on campus, the whole scene to be filmed. Down at Yellow Springs, there were reports that long-hairs had stopped motorists to demand they put Gilligan stickers on their cars, but checks with Gilligan headquarters showed only two clean-cut teenagers had been out that weekend. Who did send them out?

It sounds suspiciously like a ploy of Rep. Richard

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Roudebush (R) of Indiana. He hired some Chicago hippies at $75 per head to litter the Indiana landscape in front of cameras for an ad to be used against Sen. Vance Hartke (D). One of the kids got so disgusted he told the press. The Midwest is experiencing the dirtiest campaign since Murray Chotiner and his proteges developed the formula in California in 1950: just substitute "hippie" for "Commie."

Still, Ohio offers the Democrats an unexcelled opportunity. Voter alienation, while deepening, particularly in the ghettoes of Cleveland and Cincinnati, isn't new. The high-water mark for voting in Ohio was 1936. Since then, vote totals have dropped but the state's population is up 4.5 million. The only spurt of activity came when Appalachian whites poured out to register and vote for Wallace. Gilligan has drawn large numbers of sophisticated young men, trained in the best universities and established in their communities into his campaign, a sharp contrast with the racists who regularly show up as candidates in Democratic primaries, sometimes winning the first round. He has task forces at work. Democratic legislative candidates are younger and better qualified. The issues are there. Ohio looks as if it may get, at long last, imaginative, people-oriented state government.

Paul R. Wieck

Grocery Bills

By the start of this year more than half of the chain grocery stores in the United States had converted to "discount pricing." In recent weeks major supermarkets in Washington, DC and other cities have joined the trend – growing steadily since the early sixties – towards price competition in the retail food business. Oddly, as more chains have gone discount, the Labor Department's Retail Food Price Index has also climbed steadily, suggesting that the discount craze is but another merchandizing gimmick which in the end will disappoint consumers. Trade magazines admit as much in their discussions of how the trading stamp boom of the fifties gave way to the "merchandizing of low prices," or rather the appearance thereof. (As *Chain Store Age* recently put it, it's "important to know . . . how the all-important *impression* of low prices can be created and maintained.") In its April issue *Progressive Grocer* inadvertently conceded that there is less to discounting than meets the eye, that there is nothing incompatible about the coexistence of discounting and rising prices: "The main theme of US food retailing in 1969 was discounting, and it made a profound impact on sales, margins and profits . . ." *However*, "pretty much as anticipated, consumers were sometimes highly vocal in their reaction to steady increases in the price of many foods in 1969."

Discounting is popular in periods of high inflation and unemployment when consumers can be counted on to be particularly price conscious. Like other selling ploys it is transitory. As *Chain Store Age* puts it, "The rules of retailing apply: When the pendulum swings too far in one direction – too many stores doing the same thing, whatever it is – the situation is ripe for a new approach or a return to an old approach." Discounting is the approach of the moment.

"Discount" is a word that more often than not is employed to gull rather than enlighten. The basic rationale from the point of view of the retailer, is that it is possible to maintain or even increase profits while lowering prices, because the volume of business shoots up when discounting is introduced. A frequent concomitant of discounting is the elimination of expensive frills like trading stamps, for which customers pay as much as two-and-a-half percent of every sales dollar. When stores drop stamps – as all but 200 of 2000 Safeway stores have done – they can reduce prices.

Trouble is, discounting is often a sham. The Washington, DC Democratic Central Committee recently surveyed Washington's discount supermarkets to determine what if any impact their new discount policies had had on prices. The conclusion was that discounting hadn't altered the cost of groceries. The surveyors checked the prices of 113 items at local A&P stores, 75 at Safeway and 94 at Giant, and found that more prices had increased or remained static than had gone down since discounting was introduced this summer. In A&P's case 24 percent of the prices monitored were higher; 32 percent were lower and 44 percent the same. The results for the other two chains were similar and showed, in the case of Safeway, that while some of the stores' own brand merchandise had gone down in price many brand-name items had increased. Spokesmen for the stores charged that the DC Democrats' sample was too small, its "methodology" was wrong. The president of Giant Foods, Mr. Joseph B. Danzansky, threatened that if the study affected his stores' sales adversely, the consumer group would have themselves to thank for a rise in prices.

The Washington Post, with the help of two of the chains – Safeway and Giant – did a more exhaustive follow-up survey which questioned the Democrats' general conclusions. According to the *Post*, prices are generally down since discounting was introduced – about three percent overall. This would put prices at approximately their November 1969, pre-discount level. (The Food Price Index is up more than three percent since November.) The August Index, the *Post* pointed out, is down 1.1 percent since July and may

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reflect the effect of discounting. If it does, the effect is negligible. Prices covered by the index were lower in March than in August. Safeway reprinted in a *Post* ad the headline and a fragment of the *Post*'s (not all that) favorable survey as "more proof you do save" at Safeway.

Four large chains dominate the market for food in the Washington, DC area – Safeway, Giant, Grand Union and A&P. From time to time it's been suggested that the virtual monopoly these few retailers have in the nation's capital (they own 85 percent of the stores) is responsible for giving Washington the highest food prices in the country. There is little in the way of real competition and plenty of opportunity for collusion in setting prices.

The Federal Trade Commission is currently investigating this concentration of ownership, and the outcome of its inquiry could be pressure on the four chains to sell off some of their stores. The introduction of competition might discourage malfeasance of the sort that has been observed. Safeway has been accused of mispricing or not stocking advertised items in certain of its stores, primarily in the slums. The national concern about secret code dates on perishable foods resulted from a survey of Washington stores that found stale bread, rotten meat and other out-of-date foodstuffs.

Since they serve, among other people, the families of the Congress, the Federal Trade Commission, Nixon and his consumer advisor, and perhaps 2000 newspaper correspondents, the food stores of Washington are more closely monitored, and more rigorously criticized, than stores in other localities. And because of this scrutiny, they may seem worse and actually be better than stores elsewhere.

When innovations are tried they often are tried first in Washington. Safeway, for instance, is experimenting with unit pricing. The same chain is now explaining code dates to customers in its Washington, Maryland and Virginia stores (but nowhere else). Cynics might gather from this that the corporate grocers think that if their behavior can be made exemplary in Washington where senators' wives shop, the government won't see any need to correct abuses elsewhere.

Since last spring, the Washington food people have been jiggering prices to woo customers away from each other and to discredit the common belief that food costs have gotten out of hand. The discounting fad is worth a close look since it seems to contradict some of the things the big grocers have been saying about food prices over the years. In 1966, when supermarket boycotts over high prices were staged in Denver and other cities, the major chains issued a unison cry of poverty. In New York City, for example, a chain responded to boycotting housewives with signs in store windows saying "Grand Union Earns Less Than 1½ Pennies on Each Dollar of Sales . . . Not Much Is It?" This and other chains insisted that they could do nothing better to lower prices since they were barely making a living. Now, four years later, stores are advertising reduced prices across the board.

How is it possible for a small profit industry to slash prices without eliminating profit and without incurring the wrath of stockholders? Have things changed all that much since 1966?

The answer appears to be that prices, in the aggregate, have not been reduced, and that food stores were never as unprofitable as they said they were.

In April, Safeway "reduced" meat prices in its 221 Washington area stores by eliminating weekend specials and by establishing "new low everyday meat prices." The effect was to penalize weekend shoppers and bargain hunters since the new prices – while lower than the usual weekday level – were higher than the old sale prices. A spokesman for Safeway says that prices were fixed so as to ensure that, overall, as much money would be taken in as before the reductions.

In July, Safeway and the three other Washington monopolists extended discount prices to grocery items as well as meat. Again, sales and weekend specials were eliminated or curtailed, and prices were averaged out so as to do minimal damage to profits.

As for profits, the best indicator is not based on sales, but on invested capital. The National Commission on Food Marketing concluded in 1966 that store profits were generally higher than those of other com-

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parable industries and that grocers' return on investment had never, in 20 years, been lower than for all industries. Supermarket profits (based on investment) run not to 1½ percent but rather to a healthy 12.5 percent. Nationally, Safeway reports record earnings for the 12 weeks ended Sept. 5; Grand Union's second quarter earnings were also up; ditto A & P.

At least one chain in Washington says that it does expect from discounting a short-run dip in profits, one which it certainly can afford but probably won't abide for long if it actually develops. If profits don't increase in a monopoly town where everyone has gone discount and where there is no distinction in prices to lure customers from one store to another, the pendulum will swing the other way. It will be back to bonus bingo.

David Sanford

Let's Hear it for Pollution (If It's in Asia)

"I am appalled that this country is engaging in warfare in the sense of using food as a weapon of war." – Senator Charles Goodell

"Mr. President, this program of destroying selected crops in certain areas of South Vietnam has been carefully controlled and even at the height of the war did not result in the destruction of more than one percent of the annual food production of Vietnam." – Senator Strom Thurmond

"Save us, O Lord, lest we abuse Your gifts and make them our misery and ruin." – The Rev. Lester Cotto-Thorner

"Whatever the possible side effects of the program, there can be no doubt as to the primary contribution it has made to the war effort." – Senator Thomas McIntyre

"Help us to husband all our resources for construction work." – The Rev. Edward L. R. Elson

"If our role is to defend Vietnam, how can we risk destroying the environment in which they must survive when we leave? – Senator Gaylord Nelson

Late this summer, while crops all across America were ripening, the Senate considered stopping the use of certain herbicides in Vietnam. Senators Goodell, Nelson, Thurmond, and McIntyre set the tone of the debate and the clergy who opened the Senate sessions provided a counterpoint.

While the Senate was debating, a South Vietnamese farmer may have been looking at his ruined fields, trying to resolve his confusions. How can it be that those who destroy my fields for years to come are not my enemies and those who take only part of my crops and do no harm to my fields are not my friends? How can it be that those who make my animals sick and die are not my enemies and those who do my animals no harm are not my friends? How can it be that those who cause my wife to miscarry are not my enemies and those who do my wife no harm are not my friends? The farmer is confused because his province chief has told him that the airplanes which come over, spraying herbicides, do not belong to his enemies but to his friends. His province chief says that he knows this because the planes come with his approval. Yet, when they are gone, the farmer sees his crops wither and die. And what is a man to do when his water buffalo is too sick to pull the plow, and it is time to try to plant another crop before the planes come again? He sees the animals leave the forest, and he knows the forest cannot recover without animals to aid in pollination. He sees his wife lose her baby, or she bears something they would rather not have seen.

In the Senate, the debate went on. The statesmen who think the United States is conducting an assault on the environment of Vietnam exchanged data and interpretations with statesmen who think all we are

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doing is protecting our troops. The talk was of agents – not environmental poisons – but "agents" called orange and white and blue. They talked of chemical compounds like 2,4-D, picloram, 2,4,5-T, and water solutions of cacodylic acid and counted the tons of herbicides that have been sprayed and the millions of acres that have been "treated." These things were discussed because it was time to set the price, not the cost, of next year's operations.

For men who worry about budgets and cost-effectiveness, the spray operations are a good project. The planes are already there; the herbicides are cheap; and the effect is lasting. At least, they think the effect is lasting. There has been only one major study, written by Dr. Fred H. Tschirley of the Dept. of Agriculture, and its results were used during the debate by both sides. This report is inconclusive but suggests a number of possible consequences of the defoliation.

Twenty years from now the forests may still be dead. Five years from now much of the poison may still be in the ground. No one knows how long the biological effects may last because they haven't been studied with the view of determining their duration. No one knows how long the animals may be affected nor how many thalidomide-like babies may be born. The senators knew these questions exist. They said we are not dumping as much as we once did without mentioning that it may not be necessary due to the persistence of the herbicides. One senator remarked that we are not using the 2,4,5-T anymore, implying that its fetal-deforming properties may be ignored, without mentioning that there are already 40 million pounds of it on the ground and in the streams of Vietnam. Another senator pointed out that the herbicides are only being applied to 12 percent of the area of Vietnam but did not mention that this represents almost half the forested area of Vietnam. Several senators stressed that the final decision to spray an area lies with the Vietnamese province chief. They did not mention that he cannot consider the long-range effects of the operations since they are not known. They did not mention that most of the province chiefs are colonels appointed by Saigon. When a request for authorization of an herbicide mission comes to him from Saigon, will he say no? Can he?

The debate continued until a vote was ordered. The amendment which would have precluded the "military application of antiplant chemicals for the purpose of crop destruction" was defeated by a vote of 33 to 48. Nineteen senators did not bother to vote.

Harlan H. Vinnedge

Media Monopolies

Farewell, Free Enterprise

by Peter Barnes

San Francisco

> *Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not* – US Supreme Court, *Associated Press* v. *United States* (1945)

There are, in proportion to population, fewer places than ever in America where a man or woman can exercise responsibility, express himself creatively, or take pride in his work. Family farms are driven out by corporate farms. Little stores are pressed to the wall by giant chain stores. Small industries are gobbled up by the Leviathans. To find room for personal achievement, most Americans must now work their way up the hierarchies of corporations or bureaucracies. Competition in the marketplace of both products and ideas seems to be going the way of the Plains buffalo.

In few areas are competition and diversity as important as they are in journalism. On a purely economic level, competition among newspapers and broadcasters keeps down the cost of advertising, and thus, to some degree, the cost of advertised products. On another level, diversity in the media is important to those of us who work in the field. It is, to say the least, frustrating to desire work in a city that once boasted four or five thriving newspapers and be unable to find it. It is equally frustrating to be constrained

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by the knowledge that there is nowhere else to go if one writes a bit too vigorously for the boss's taste.

Beyond the relatively parochial concerns of advertisers and reporters, however, is the public's need for a competitive press. If democracy is to work, the public must have ready access to a variety of facts and viewpoints, thus a press that is uninhibited, provocative, investigative. One way to discourage such qualities is to protect the press from competition, which, alas, is precisely what has recently occurred.

Though Vice-President Agnew warned last year about "the trend toward monopolization of the great public information vehicles," President Nixon signed into law this July the so-called Newspaper Preservation Act, a masterful piece of special-interest legislation that was whisked through Congress under great pressure from powerful newspaper publishers [*The New Republic*, July 18, 1970]. The act is like a license to operate an unregulated monopoly. It allows 44 newspapers in 22 cities to pool profits, fix prices and agree not to compete – in other words, to create a monopoly – without fear of criminal prosecution or civil damage suits under the antitrust laws. Additional newspapers can receive similar immunity by convincing the Attorney General that they are in danger of failing.

The immediate beneficiaries of the act are the publishers of such daily journals as the San Francisco *Chronicle* and *Examiner*, the St. Louis *Post-Dispatch* and *Globe-Democrat*, the Pittsburgh *Press* and *Post-Gazette*, the Miami *Herald* and *Daily News*, the Honolulu *Advertiser* and *Star-Bulletin*, and the Salt Lake City *Deseret News* and *Tribune*. These publishers are not exactly paupers. Among them are Randolph Hearst, Samuel Newhouse, John Knight (who, incidentally, did not lobby for the act), the Morman Church, and the Scripps-Howard organization. Also included are several independent publishers who own radio and TV stations, cable television interests, and assorted other businesses. The Justice Department opposed the bill on the grounds that if the publishers want to save money they could legally merge their printing and distribution operations; but to permit them to fix advertising rates and split profits in a way denied to every other industry would be an affront to the basic principles of free enterprise. The Federal Trade Commission felt the same way.

Defending their need for the legislation, the publishers claimed that without it at least one of the two papers in each of the 22 cities would be forced out of business. They made public no figures to substantiate this claim; they merely pointed to defunct papers such as the *World Journal Tribune* and warned of similar catastrophes elsewhere. Congressmen of all political stripes bought the pitch.

Two scrappy Californians who didn't buy the pitch were Bruce B. Brugmann, publisher of the San Francisco *Bay Guardian*, a sometimes monthly tabloid, and Stephen R. Barnett, a University of California law professor who specializes in communications law. Brugmann and Barnett waged a lonely crusade against the Newspaper Preservation Act while it was sailing through Congress. Now they have taken up cudgels once again, by filing a lawsuit alleging that the act violates the Constitution.

Brugmann, 35, a former reporter on the Milwaukee *Journal*, started the *Guardian* in 1966 as a biweekly aspiring to become a weekly. Instead, it soon became a monthly, and, thanks to a dearth of advertising, sometimes not even that. "If anything in this city is a failing newspaper," he contends, "it is the *Guardian*, not the *Chronicle* or the *Examiner*. What we find in San Francisco are not failing newspapers, but a couple of crybaby millionaire publishers." The *Guardian*'s motto is taken from the 1861 statement of aims of the Chicago *Times*: "It is a newspaper's duty to print the news, and raise hell." And the *Guardian* certainly has raised hell. It has taken on the Pacific Gas and Electric Company for buying the city of San Francisco's own hydroelectric power and selling it back at a profit; it has tackled developers trying to fill the Bay or blot it out with high-rise monstrosities; it has reported on firms in northern California doing business with the Defense Department; it revealed how KRON-TV, the *Chronicle*-owned television station, hired private detectives to spy on two former KRON employees who complained to the Federal Communications Commission about the station's broadcast policies. Brugmann claims, with reason, that the *Chronicle* and *Examiner* have no taste for such stories. Moreover, since they now split each other's profits, there's not even a competitive incentive for them to do so.

While it is true that the number of central-city daily papers has steadily decreased, this trend has a built-in stopping point. Most sizable cities are able to support two independent dailies when one comes out in the morning and the other in the afternoon. Sacramento, for example, has two independent papers that don't rig advertising rates or split profits; there's no reason why San Francisco, say, can't have two similarly independent papers. Further, Barnett points out, if the *Examiner* (again using San Francisco as an example) was in such bad straits in 1965 that, as publisher Randolph Hearst has claimed, it was on the verge of folding, why would the publisher of the *Chronicle*, which was in an admittedly strong financial position, magnanimously agree to pool the two newspapers' profits and split them on a fifty-fifty basis? The answer, Barnett thinks, is that the *Examiner* could have made a go of it as an independent second daily (up till 1965 it was, like the *Chronicle*, a morning paper, while a third publication, Hearst's *News-Call-Bulletin*, occupied the afternoon field), but Hearst and Charles A. Thieriot, the publisher of the *Chronicle*, saw a chance to

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guarantee perpetual profit and hegemony by forswearing competition altogether. Immediately after their 1965 agreement, *Chronicle-Examiner* advertising rates nearly doubled, and they have risen again since then. With advertisers dependent upon the two dailies, there is little money left in town to support gadflies like the *Guardian*, much less a competitive new daily paper.

Not only is it highly unlikely that a new daily newspaper will burst upon the San Francisco scene, it is almost as unlikely that either the *Chronicle* or the *Examiner* will get much better. Why should they? The *Examiner* is a dreary journal that hews to the Hearst and now the Reagan view of things and rarely criticizes anyone except Communists, criminals and student radicals. The *Chronicle* is both more liberal and more entertaining, but falls far short of the standards it could attain. It is, for example, the only major morning newspaper in the country without its own Washington bureau. It hasn't published an important piece of investigative reporting in years. And neither it nor, for that matter, its partner in profit, the *Examiner*, is in a position to report objectively on several interesting stories in town that involve the media: the battle for control of KRON-TV, for example, and the struggle for domination of the cable television field (the *Chronicle* owns several local cable franchises).

Because of their security from competition, there is little reason for either newspaper to beef up its editorial staff or to pay reporters more than the union scale. And reporters in San Francisco who write too freely can find themselves out in the cold. Two months ago, Dick Meister, the *Chronicle*'s respected labor reporter for seven-and-a-half years, was forced to resign when he complained about how a story on César Chávez's farmworkers union had been rewritten. Meister sent out feelers to the *Examiner* and learned, as he had expected, that Hearst rarely hires those whom joint-owner Thieriot casts off.

The augments against the Newspaper Preservation Act on its merits (or demerits) are broader than the legal case that Brugmann and Barnett are now taking to the courts. Their lawsuit, aimed at the *Chronicle* and the *Examiner*, must stick to strictly constitutional postulations. But their reasoning is not unpersuasive, and they are plunging ahead with Brugmann, his wife and the *Guardian* in the role of plaintiffs and Barnett and Charles Cline Moore as attorneys.

The suit alleges that the act violates the First Amendment's prohibition against laws abridging freedom of the press in two ways. First, by giving the *Chronicle* and *Examiner* a monopoly, it allows them to inflate and manipulate advertising rates. This makes it difficult, if not impossible, for the *Guardian* or other competing papers to publish and thus infringes upon freedom of the press. Secondly, the suit asserts that a free press must be an independent press. Since the Newspaper Preservation Act confers upon the *Chronicle* and *Examiner* a special favor of substantial economic value, it thereby renders them at least superficially indebted to their Washington benefactors, and deprives the San Francisco public of its First Amendment right to a press that is completely free to criticize all aspects of government.

Brugmann, Barnett and Moore rely heavily upon the 1968 case of *Williams* v. *Rhodes*, in which the American Independent and Socialist Labor parties successfully challenged Ohio's election laws. Those laws made it easy for the Democratic and Republican parties to obtain places on the Presidential ballot, but virtually impossible for any other parties to do so. The Supreme Court struck down the Ohio laws:

> The Ohio system does not merely favor a "two-party system"; it favors two particular parties – the Republicans and Democrats – and in effect tends to give them a complete monopoly. There is, of course, no reason why two parties should retain a permanent monopoly on the right to have people vote for or against them. Competition in ideas and governmental policies is at the core of our electoral process and of the First Amendment freedoms. New parties struggling for their place must have the time and opportunity to organize in order to meet reasonable requirements for ballot position, just as the old parties have had in the past.

It is just as inconsistent with the First Amendment, the *Guardian* contends, to confer a virtual monopoly upon two newspapers as it is to bestow such a monopoly upon two political parties.

The *Chronicle*'s chief attorney on the case, James J. Brosnahan, dismisses Brugmann and Company as "officious intermeddlers." Neither Brugmann nor the *Guardian* is injured by the Newspaper Preservation Act, Brosnahan says, and therefore they have no standing to sue. In any case, he adds, the law has nothing to do with the First Amendment; it is purely an economic matter. He has asked the federal district court to dismiss Brugmann's complaint.

Barnett acknowledges that the legal challenge is something of a longshot – it isn't every day that the Supreme Court overturns an act of Congress. Compounding the judicial hurdles are financial handicaps: the suit will cost nearly $20,000, even without legal fees, and Brugmann hasn't got a penny.

Whatever the outcome of this particular lawsuit, the broader problem of media concentration remains. At the same time that newspaper publishers were pushing the Newspaper Preservation Act, broadcasters were mobilizing behind an analogous bill sponsored by Senator John Pastore of Rhode Island. Pastore's bill would protect from competition those businessmen fortunate enough to be in present possession of radio

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and television licenses. It is still kicking around, though it has been rendered all but superfluous by an FCC ruling last January. As long as an incumbent licensee can show that his programming has been "substantially attuned to the needs and interests of its area," the FCC held, it will be favored over rival applicants for the license. The Commission reassuringly added that it will not deny renewal simply because an incumbent has other media interests. (More than 250 daily newspapers are tied in with broadcast licensees in the same city. In 68 relatively small cities, the only commercial radio station and the only daily newspaper are jointly owned, and in 11 cities, the only newspaper also controls the only TV station.)

It is ironic that the Newspaper Preservation Act and the Pastore bill should come at a time when technology, in the form of offset printing and UHF and cable broadcasting, is making it easier for small, independent enterprises to enter the journalistic marketplace. There remain substantial obstacles to competition in journalism – the most formidable being the size of advertising budgets. (Another is the practice among established newspapers of buying exclusive geographical rights to syndicated columns, features and comic strips.) But Congress, instead of using the new technology to encourage a multiplicity of voices, has moved in the opposite direction.

The hope for change, such as it is, lies with the courts – that is one reason why the suit against the Newspaper Preservation Act is important. Unlike Congress, the Supreme Court has stuck by the notion that, as it stated in 1945, "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." The vitality of American democracy may depend upon how conscientiously the Court continues to apply this doctrine.

Back to Class . . . and What Else?

The Revolution Of Unreason

by Alexander M. Bickel

It is a striking feature of American life in this day, evident not only on the campus, where the Scranton Commission, of course, observed it, but in the establishment's own newspapers and magazines and books, that numerous people, black and white, young and para-young, are disaffected, embittered, in various stages of a revolutionary frame of mind, whether or not prepared to accept the violence and coercion that a revolution would entail. This condition may pass. We have seen its like before, and it has passed before. But it has its special attributes and its special context, just now, and it is dangerous.

It is dangerous, as has often been remarked, because it may evoke an effective counter-revolution. It is dangerous also, the more dangerous, because guilt-ridden and otherwise disoriented liberals and intellectuals are intimidated by it into doing and saying foolish and destructive things, and thus damaging the institutions that hold out the only realistic hope for the redress of many legitimate grievances, and that alone stand in the way of counter-revolution.

I put to one side – though they see a serious matter in themselves, and demand separate attention – the feelings of distrust among masses of blacks, as expressed by Roy Wilkins, Bishop Spottswood or Whitney Young; the sense, not that the society as such is irremediably flawed, but that the blacks as a race are once again being excluded from it and held down by it. I do not think a charge of racism can remotely be made out against the Nixon Administration, and I do not believe a liberal Democratic Administration could be doing much more now that would make a practical difference to the blacks. Great movements of social change can proceed spectacularly for a while, and then they encounter problems that are intractable, and enter a period when progress is laborious, when choices are not clear-cut, when a complex of values is in play, and when more is involved than simply summoning the will to make large new decisions and pass splendid new laws.

What disturbs and discourages many blacks must have to do with symbols more than with practical meas-

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ures. Whitehead warned against letting the symbolic elements in life "run wild, like the vegetation in a tropical forest." The life of humanity, he wrote, "can easily be overwhelmed by its symbolic accessories." The warning is apposite. And yet symbols are important, as the Nixon Administration is well aware, although it acts as if they were important to everyone but the blacks. Others are invited to listen, but the blacks are told to watch what the Administration does, and pay no attention to what it says or leaves unsaid.

The President time and again addresses emotional assurances to white Southerners that the nation is one and that they are of it. But he does not speak to the blacks, who a generation ago were still being told officially that if the nation was one, it was without them. Lyndon Johnson uttered the words, "we shall overcome," to the applause of a joint session of Congress in 1965. John Kennedy and later his brother Robert held out their hands to the blacks. There was no rush of desegregating activity in the first two years of John Kennedy's Administration, Lyndon Johnson did not desegregate the schools of Clarendon County, South Carolina, and Robert Kennedy had no thought of moving Watts bodily into Orange County, and said so. But there was trust, because Kennedy and Johnson sought it.

Trust is lacking now. Impressions left by loose talk about Southern strategies, impressions that the Administration is alive to white Southern sensibilities but not to black ones – these impressions must be counteracted, not by doing ill-advised or useless things, but by performing where possible, and by showing concern. An Administration can take measures that millions of people disagree with, and govern effectively. It can do little about people who have given up on the system and want no part of it, and must govern despite them. But it cannot ignore the sense of exclusion of 20 million blacks and still govern successfully.

Revolutionary young people, white and black, and their outriders are something else again. They are characterized, at best, by a romantic insistence on the possibility of instant perfection, and at worst, not only by a self-centered impatience with reason and with values other than the ones they immediately perceive, but by a positive devotion to unreason.

Liberals who want no revolution are forever trying to appease the revolutionaries in order to draw them near, to entice them back up on the raft. But when propitiating concessions are made in the face of violence or disruption, they validate the idea, so often put forward by all sorts of nonviolent people as a justification for violence, that ruthless direct action gets results. Thus they beget upending ruthless direct action. And in any event, as often as not, the propitiating concession is a capitulation to unreason.

Such assertions, and the last one in particular, want to be substantiated. I take as my text a letter to the editor and a column by Tom Wicker in *The New York Times* for August 16, 1970, and, I fear, the lead editorial in *The New Republic* for August 8-15, 1970.

The letter to the editor is by Mr. Richard Klein of Cambridge, Massachusetts, president of the Harvard Student Bar Association. Mr. Klein was objecting to an earlier *Times* editorial, which had called for "civilized conduct" in the courtroom by prosecutors, lawyers, court personnel, spectators and defendants. Extending the word "civilized" – a rhetorical device in common use among radicals – Mr. Klein asked whether judges themselves act civilly when they sentence people for draft evasion, thus enforcing "a policy that states that killing Asians is legal and refusing to do so illegal," or when they set bail for poor people which poor people cannot raise, while rich people raise their bail and go free, or "when they ignore corporate pollution, price-fixing, and white-collar crimes while forcing a man to spend time in an atrocious city jail not because he has been found guilty of a crime, but merely because he has no money for bail?"

Now, assuming one believes, as I do, that the war in Vietnam is wrong, is in truth morally wrong because it serves no American national interest, it is nevertheless true that the draft – which incidentally exempts conscientious objectors – is a duly enacted law. (Nor is it Asians alone who are being killed in Vietnam, or the United States that is doing all the killing.) Judges have no authority to unmake this law, and Mr. Klein would not wish them to usurp the authority to unmake other laws merely because they agree with him or with someone else about their unwisdom or iniquity. Only someone who sees no general values in the function of the judiciary and in the limitations which make that function possible would condemn the judges for enforcing the draft.

As to bail, it happens that under the federal bail Reform Act of 1966, and under some similar reforms elsewhere, poor people as well as rich are often released on their own recognizance. (Hence the cry for preventive detention.) No doubt abuses remain, and on the whole, the rich are better off than the poor. Should every person accused of crime be therefore automatically released pending trial? Many, particularly the guilty, will vanish and never be tried. Bail is an imperfect compromise between the theory that everyone is innocent until proven guilty, which we cherish, and the statistical fact that most people accused of crime are guilty, particularly when the evidence offered by the prosecutor at the initial stages is substantial, and if not detained may flee. The compromise is very imperfect, but it is not simply a brutal, ill-intentioned device for oppressing the poor.

I don't know why Mr. Klein thinks that judges ignore price-fixing and white-collar crimes when these misdeeds are brought before them under an applicable

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statute, although not all price-fixing is illegal, and not all that Mr. Klein may think of as white-collar crime is a crime. But corporate pollution, which he also mentions, brings me to Tom Wicker.

Mr. Wicker is nearly as eloquent as the Prophet Jeremiah and more of his sayings have come down to us. On August 16 he was complaining that a survey by Dr. Gallup had found that most "world leaders" – scientists, lawyers, statesmen, businessmen, educators, etc. – believe that "life for most people in the world is improving." Mr. Wicker thinks not, although the slice of life he surveys, including such conveniences as airplanes, air-conditioners, and color TV, must surely seem enviable to millions upon millions of people. The bitter irony of claims of improvement, cries Mr. Wicker, when New York City is covered by smoke (as seen in the morning from a Washington-to-New York jet), Consolidated Edison cuts voltage for air-conditioners and color TVs while being granted a price rise, Vice President Agnew permits himself tasteless jokes about Mendel Rivers, Mr. Nixon vetoes a housing appropriation because he is worried about inflation – which the "world leaders" also think is a problem – while the price of housing goes up, and so on!

There is no objection to the list of malfunctions from smoke to Agnew. The objection is to the total message, which is that life, though far from having improved, is perfectible in the respects in which it annoys Mr. Wicker, without loss of values that he himself holds dear or that others are entitled to hold higher. Life is as miserably imperfect as it is, Mr. Wicker seems to believe, because "world leaders" are ill-intentioned, self-interested, and evil, when they are not stupid.

But part of the smoke over New York is produced by Consolidated Edison, which is producing less than it used to, and is not allowed to produce more, and which consequently has insufficient voltage to take care of all the air-conditioners and color TVs that befit the unimproved summer life style of the people of New York. Consolidated Edison might produce less smoke and still give an adequate amount of electricity if it could be sure of a supply of natural gas. But when the price of natural gas was going up and exploration for new supplies was keen, Mr. Wicker – and if not Mr. Wicker, many others – thought that the price ought to come down for the benefit of the small New York City consumer. Down it came, or at least further up it did not go, exploration became less profitable and let up, and now Consolidated Edison cannot be sure of a supply of natural gas to produce electricity cleanly.

Generally when we want something, something else has to give, and we have to decide what we want most. Mr. Wicker's style is the unnegotiable demand familiar on college campuses. Unnegotiable demands can be met, one at a time. They do not avoid costs even in terms of each other; they merely hide them, provided the last demand is forgotten when the new one is made.

The point holds for the issue of inflation. Mr. Nixon is not necessarily right in vetoing housing and education appropriations, and the Democrats are not necessarily wrong in opposing those vetoes and trying to force the President to make deeper cuts elsewhere, particularly in the military budget. But inflation does hurt, and a substantial military establishment is still necessary. Stalin is gone, but the Russians have not yet turned their own swords into plowshares and lain down with the lamb. Moreover, just pouring money into programs that don't work, or are ill-coordinated does not necessarily help the housing situation or education, or help enough to make it worth while to aggravate inflation. There is lots to object to in the Nixon Administration, and there may be lots more that analysts could uncover, but the preferred mode of discourse is simply to take the Administration's own worst slogans (e.g., a spendthrift Congress versus an inflation-fighting President), turn them around, and use them against it. That is the kind of game the White House, any White House, usually wins.

Finally, to *The New Republic* (with love) and its editorial, "The Lively Ivy." The campuses, says the editorial, need dissent, they need ferment, they need to be shook up. So they do, perhaps, so we all do. But the campuses do not need to be terrorized, and they may very often need not to give in to the demands made upon them by students or by editorials in *The New Republic*.

"The way to solve the problems causing campus unrest," the editorial tells us, "is to confront the problems on the campus." Well and good. But it turns out that the way to confront the problems on the campus is to give power to the students. Not only that. "Congress should require, as a prerequisite for federal aid, that colleges demonstrate they have given students a fair share of voting power on their policy boards the way it not long ago passed a law denying federal aid to political districts which have discriminatory voting laws."

But while some universities may well be miseducating students or educating them insufficiently, nothing in the experience of the last half dozen years with students acting en masse indicates that they know how to do things better. The current mood of many students is anti-intellectual, anti-professional. They don't want to know, they would rather feel and be. Is it seriously contended that they should be allowed to feel and be and to not know in a university which then certifies them as knowing enough to commit surgery on a person, architecture on a building, or a law suit on a client? What will Mr. Wicker's ill-served city look like then? University administrators can sometimes learn from students, and students have been put

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on many governing bodies in many universities. But the idea that all would be well if they had authority is mindless.

Congress at no time denied federal aid to political districts with discriminatory voting laws, but rather, in Title VI of the Civil Rights Act of 1964, provided for the withdrawal of federal financial aid from programs administered so as to exclude blacks or otherwise discriminate against them. Now, assuming that Congress could constitutionally condition financial grants to private institutions of higher learning on the availability of "a fair share" of voting power to students, should it do so? Congress has toyed with the notion of denying financial aid to such institutions if they are too lenient with student disrupters, and we all cried out against it; the Nixon Administration, too, cried out against it, on the ground that it is not the business of the federal government, and should not be its purpose in disbursing financial grants, to tell private or for that matter state institutions of higher learning how to run themselves, how to deal with their students, or by extension what to teach their students.

Racial exclusion or discrimination in the use of public funds violates the Constitution. Congress is bound by the Constitution in spending federal money as well as in its other activities, and to impose the requirement embodied in the Civil Rights Act of 1964 is simply to enforce the Constitution, and a very different matter from enforcing notions of educational policy. If this Congress should withhold federal funds because it does not like the way Yale or Stanford Universities govern themselves, then whenever another Congress dislikes the kinds of students Yale and Stanford admit or the kind of faculty they hire, that Congress may also freely withhold funds.

The answer that I know will be made raises an issue of fundamental significance, going beyond the unreason of the revolutionary or revolutionary-propitiating frame of mind, and having to do with its inevitable ultimate consequences. Congress, it will be said, should not withhold funds because universities fail to expel students who have sat in on university buildings. That would be wrong. But Congress should withhold funds from universities that deny power to their students. That is right. The idea that if Congress may use certain means to do what I now think is right, then a future Congress will be free to use the same means to achieve an end that I may think wrong – this idea is simply not accepted. One has to believe in a system for the peaceable accommodation of conflicting desires in order to care about means. One has to believe that no amount of opinion can be eternally certain of the moral rightness of its preferences, and that whoever is in power in government is entitled to give effect to his preferences. Then, if one believes this, but only then, it is crucial that everyone adhere to certain procedures, and that some means be forbidden to all. The fabric is held together by agreement on means, which are equally available or foreclosed to all, and by allegiance to a limited number of broad first principles concerning the ends of government. These first principles are what the law of the Constitution is about. They change over time and develop, and become entrenched as they gather common assent. Beyond them lies policy, lie our differences. When whole bushels of desires and objectives are conceived as moral imperatives, then, of course, it is natural to seek their achievement by any means. There is no need to fear that the same means will be open for use by others, because the objectives of those others are bad and unacceptable whatever the means used to attain them. And then government in freedom and an open society are impossible.

If most of the things that politics is about are not seen as existing somewhere in a middle distance, well this side of moral imperatives, if they are not seen as subject on both sides of a division of opinion to fallible human choice, then the only thing left to a society is to succumb to or be seized by a dictatorship of the self-righteous. I do not wish to overstate the case, but this seems to me inevitably the conclusion to which all those disenchanted and embittered simplifiers and moralizers must come. To be revolutionary in a society like ours, is to be totalitarian, or not to know what one is doing.

Rainmaker

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Stanley Kauffmann on obscenity

September 30, 1970, was a red-letter day in American social history. The majority report of the Federal Commission on Obscenity and Pornography, published that day, is a revolutionary document. I speak about it only on the basis of the extensive excerpts in *The New York Times*, but surely this is the central statement of the report:

> The commission recommends that federal, state and local legislation prohibiting the sale, exhibition or distribution of sexual materials to consenting adults should be repealed.

That is not a new idea, but no one in his right mind would have predicted as recently as 1960 that a federal commission would make such a recommendation only ten years later.

A report, obviously, is an advice, not a law. (Far from a law, in this case; it was promptly denounced by Mr. Finch of the White House, the Postmaster General, leaders of both parties in the Senate, and the president of the National Conference of Catholic Bishops.) Obviously, too, the men and women of the commission are appointees, free of any need to please constituencies; and are specialists whose views are likely to be more sophisticated in this field than those of most elected legislators. (The chairman, William B. Lockhart, dean of the University of Minnesota Law School, has been called, by a pro-censorship lawyer, one of "the most careful American scholars in the obscenity field.") Nevertheless we have here the astonishing phenomenon of a commission appointed by a President of the United States voting twelve to five for a report whose gist, as little as ten years ago, could have been read only in the most liberal journals.

The dissenting minority reports are more predictable; the recurrent word there is "filth." Less predictable was the action of Charles H. Keating, Jr., President Nixon's one appointee to the commission (the others were appointed by President Johnson in 1968); Mr. Keating obtained a legal injunction, later lifted, to bar publication of the majority report. Even less predictable, in another vein, was the opinion filed by two sociologists on the commission, Professors Larsen and Wolfgang, recommending the abolition of *all* statutory restrictions in this field, for young persons as well as adults, on the ground that obscenity and pornography have long proved undefinable. The professors (who voted with the majority) would rather rely on "informal social controls," "improvements in sex education and better understanding of human sexual behavior" than on "ambiguous and arbitrarily administered laws."

The Lockhart report and the Larsen-Wolfgang supplement are strong stuff to come from a Washington podium. In a culture-tradition sense, they are anti-American. The Kerner report on civil disorders (1968) was an attempt to make American practice conform to expressed American principle. The recent Scranton report on campus unrest spoke to a nationally experienced horror. But the Lockhart report runs *counter* to a dominant strain in the American temperament. This country was founded by (literal) Puritans who came here for freedom of religion; but their religion was steeped in concepts of original sin, and their idea of freedom was a theocracy that brooked no opposition. (Remember Mary Dyer and Roger Williams.) The expansionist nineteenth century brought us evangelist fundamentalism, many of whose sermons, says Richard Hofstadter, "were composed for audiences terrified of their own sexuality." Immigration added large dollops of Irish Catholic and Italian Catholic and orthodox Jewish puritanism. (Small wonder that this is the country that invented burlesque.) So when this immense heterogeneous nation, a bit more two-faced than most nations in sexual morality, produces a quasi-official statement like the Lockhart report, it is a revolutionary act. Moral realities have at least dented desperately defended moral fictions. In the thick gloom that rolls in on us from all sides these days, this report is a flicker of light.

It comes at a time when libertarian views will be severely tested. I commented recently on some Danish porno films (July 11, 1970) and noted my shock at their availability in New York. (One of those films has since been seized, the distributor and three theater managers have been arrested. The case is pending.) All four films had a veneer of education and uplift. Last week I walked in off Seventh Avenue and saw a bill of films – American-made, I think – with no such veneer, which were even more explicit in sexual detail and language; and in the intermission a stripteaser came out on the tiny stage, quickly disrobed, and did a blatantly suggestive naked dance. The porno book shops and peep shows of Times Square, and of many other cities, are by now commonplace. In some cities, it costs a dollar just to get into a shop and examine the books, with the entrance fee deducted from the cost of purchases. Two days after the Lockhart report was published, *The New York Times* ran a story about live sex shows in Manhattan where you can go for five dollars and watch a couple copulate.

I'm glad that all these matters are in the news just as the report is published because it puts the central issue right on the line. The commission does not contend that pornography is desirable but that the law cannot deal with it satisfactorily. Some lawyers argue that the law cannot even deal with it legally, in the light of the First Amendment. The commission relies on education and enlightenment to mitigate pornography. (I hope that educational methods are spelled out in the full report. It's easy to *say* education and enlightenment.)

For myself, I wish any sane educational process the best of luck, but I would rely at least as much on some social turbulences and dissatisfactions that are already very evident. Before talking about them, I ought to say that I don't believe pornography will ever disappear completely or that no healthy man or woman should ever get any kind of kick from it.

A lot of radical nonsense has been published about the esthetics of pornography, particularly its literature. Discussion of style in porno books is affectation, I think. *Fanny Hill* is elegantly written, but the point of *Fanny Hill* is to make the reader masturbate, if no partner is available, which is not the point of the last section of *Ulysses*. The elegance only makes the masturbation more snobbish. I'm not against masturbation; I'm not against publication of *Fanny Hill*; I'm making what I think is an important distinction, and

(Continued on page 35)

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John Seelye: What the Kids Are Reading

Despite its overtones and ambiguities, "The Kids" is the only label currently in vogue which serves the purpose, a catch-all phrase with the inflection potential of Chinese. It includes militant New Lefters and dreamy Hippies, and recognizes the autonomy of a certain class of American youth, coinciding with their own view of themselves as a separate entity. Unlike "Longhairs," "Woodstock Nation," or "A Prophetic Minority" – to say nothing of a dozen or so Spiro Agneologisms – "The Kids" has a more or less neutral ring, particularly when you consider the extreme responses The Kids inspire.

Insofar as it stoops to converse, such a phrase condescends. But in so much as it recognizes that a difference in years is no longer as important a distinction as a whole class of adolescent attitudes and responses (Abbie Hoffman and Jerry Rubin are Kids somewhat yellow with age, but Kids with a vengeance nonetheless), it is a most useful phrase indeed. If we say "our young men and women," that Alcottish epithet emphatically does not include The Kids, but puts a premium on attitudes shaped to conventional adult expectations. The posture of The Kids may vary from Dostoyevskyan sulks to Guevaran violence, from a vague sense of disenchantment with academic norms to setting the card catalogue on fire, but their dominant mood is always anti-establishmentarianism.

To many observers The Kids are a significant recrudescence of the Transcendental Revolt, and though superficially they bear little resemblance to their Concord counterparts, Emerson's description of his rebellious friends does apply: "These exacting children advertise us of our wants." But these exacting children have *their* wants, too, which are duly advertised and bought, including books. The Kid Kulture may be long on rapping, rock, revolution, and rapport, short on reading, but as any paperback dealer can tell you, they do buy books when they have the money, and steal them otherwise. A number of books, like the posters and clothes, are bought for decorative (theatrical) effect, and others are stolen for immediate resale down the street, but the Kid Kulture has generated a handful of Kid Klassics, which taken together may be said to comprise a genuine underground literature.

Nonfiction makes up a considerable part of that literature, as it does elsewhere in America. There is nonetheless nothing like a popular novel (or its film equivalent) for a key to the *geist* of a particular *zeit*, even though the reading public in question may not know what it precisely is receiving from the books it reads.

When, last spring, at the request of some of The Kids, I offered a course which featured the glorious miscellany of their novel reading, it was in part because I wanted to know why they were reading what they were reading. But The Kids weren't much help, beyond supplying a book list. I began by asking them why they liked this book or that book, but I might as well have asked them why they liked pot or sex, because their responses were as primal – and as inarticulate. Beyond the not very definitive opinion that they liked one book because of its *style*, which was a *beautiful style*, these particular Kids really couldn't tell me why they read what they read. In fact, I got the general impression that they wanted me to tell them.

I don't say this to disparage The Kids or their responses. The critic, weighted down with academic jargon of the New, Newer, or Newest Criticism, tends to forget why it is that a man buys a book (aside from those assigned in class) to read. He tends to forget that the texts he explicates are ones that have been selected by the centuries, not Brooks and Warren, texts whose readers have, like The Kids, obeyed primal, inarticulate impulses. *Pace* Northrop Frye, they do not read Shakespeare, Dickens, or Melville *for* the archetypes, but *because* of the archetypes. In fiction we find the myths our dreams are made of, the essence of our often inexpressible desires.

For The Kids, Hermann Hesse is of that essence. George Steiner, writing almost two years ago in *The New Yorker* ("Eastward Ho!" January 18, 1969), noted that where no other books may be found in a crash pad, there is Hesse, battered and stained like one of his heroes, but very much alive. According to Steiner, however, it's a false resurrection, and he uses some heavy intellectual leverage to put down what he considers the phony, too-easy mysticism of the frail, dreamy German, preferring the tough, sardonic vision of Kafka, who found Truth not in an incense-suffused pilgrimage to Shangri-la, but in a suffering, surrealistic Now soon to be. Last spring, Kurt Vonnegut, Jr., took much the same tack. Writing in *Horizon* ("Why They Read Hesse"), Vonnegut played gentle hell with *Steppenwolf*'s popularity among the young, and it is obvious to even the most casual reader of early, middle, and late Vonnegut that he too is an admirer of Kafka's work. That tormented figment of the twenties' imagination has appealed greatly to a generation which suffered through the horrors of the Second World War and the tensions of the war's aftermath.

But The Kids have their share of horrors and tensions too, often etched into nightmare reality by acid. Kafka may not enjoy Hesse's current great favor, but the New-Left vogue of spelling "Amerika" with Kafka's consonant suggests that he does rate high. So does Vonnegut himself; yet when at a colloquium at Brown University last fall Vonnegut gave a lecture on Hesse which was pretty much the same thing as his *Horizon* piece, a number of The Kids were offended by his views. John Barth, who was on the same program, fared much better by merely reading from his next novel. The Kids like Kafka and Vonnegut (and Barth), yes, but they also like Hesse, and they don't much like anybody, even Vonnegut, who puts him down.

Clearly Steiner and Vonnegut represent a generation which likes intellectual and aesthetic discriminations, while The Kids belong to a generation which does not. Thus a critic like Steiner would undoubtedly rate Barth above Vonnegut on much the same grounds that Kafka is placed above Hesse, but The Kids read and admire all four authors indiscriminately, ignoring the differences in those qualities by which Steiners make critical judgments. The same lack of discrimination holds for the other books on their seven-foot, cinderblock-supported shelf, works by such disparate talents as Joseph Heller,

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Richard Brautigan, Terry Southern, Richard Farina, and Ken Kesey. If a reader is to make sense out of the dollars The Kids are spending on writers who appear to be worlds apart in materials, styles, and points of view, he must search for criteria other than intellectual and aesthetic.

Let's start with the worlds apart. Commencing with Hesse and Kafka, all of the writers mentioned so far are in some way or other fantasts, who create their own castaway worlds of imaginative allegory and symbolism, balloons of conjecture held to earth by frail meridian lines of geographic location, like Vonnegut's *God Bless You, Mr. Rosewater* (Indiana and Cape Cod), or which, like *Cat's Cradle*, cast off all moorings for Ozzy realms of Somewhere. Heller's *Catch-22* may be about World War II, but only to the degree that *Day of the Locust* is about Hollywood in the thirties – the madness is extrapolated and used to animate a bizarre congeries of grotesques. Even Kesey, whose *One Flew Over The Cuckoo's Nest* seems solidly grounded in the earthy realism of Hemingway and James Jones, achieves a surrealistic tone by setting his novel in an insane asylum. Despite their different angles of approach, these writers are all fabulists, whose detachment from reality is used to imply cosmic relevancy. Heller's novel does not appeal to The Kids because it is about World War II, which none of them experienced, but because it is about War World Now. Kesey's asylum, an aggregate of charming freaks escaped from Winesburg, Ohio, and ruled over by Big Nurse, an iron maiden cast in Expressionist Germany, is plainly not any particular madhouse, or even madhouses in general, but is a setting which emphasizes, like World War II, the madness of the world at large.

The Kids also like their fantasy straight, in science-fiction form, the bookdealers tell me (hence the popularity of Golding's *Lord of the Flies* or the cyclical world of that fey English don, J. R. Tolkein). But before blasting off to realms of reality vs unreality, let us cushion easy generalities by remembering that The Kids liked Kubrick's *2001* because it was groovy paraphernalia to smoke pot by. This is the acid culture of which we are speaking, stoned philosophers whose "reality" has not much to do with the rock Dr. Johnson kicked to disprove Berkeley's thesis. The picture becomes

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more clearly focused on the wall when we realize that the topsy-turvy worlds of Farina's *I've Been Down So Low It Looks Like Up From Here* and Leonard Cohen's *Beautiful Losers* are both, in different but recognizable ways, dominated by the genius of William Burrough's *Naked Lunch.*

Burroughs hovers like some sort of puncture-marked, picaresque saint, a dirty Hesse, over contemporary American (and Canadian, if we are to include Cohen) fiction. The novels of Farina and Cohen deal knowledgeably with the narcotic experience and with perverse sexuality, and fade in and out of reality with the ease of a chronic schizophrenic. They *move,* are crowded with movement, fast-paced scrambling, hectic, and are populated with zanies and madmen. When The Kids read Kesey's *Cuckoo's Nest,* it is with Tom Wolfe's *Kool-Aid Acid Test* as *vade mecum,* in which Wolfe explains that the hallucinations of Kesey's Indian narrator were based on the author's early experiences with LSD. Even acid innocents, like Barth and Vonnegut, present madcap worlds easily assimilated by the Kool-Aid Kulture. For dessert there is Richard Brautigan's *Watermelon Sugar,* and the stream that Brautigan goes *Trout Fishing in America* in is similarly laced with acid.

Most of the novels the Kids read, as a matter of fact, are so designed, consciously or otherwise, as to be classified, in terms of the acid culture, as good trips or bad. A number are staged as pilgrimages, either in the classic Hesse (good trip) tradition, the I-Went-On-A-Trip - And - Found - God-And - He - Is - Alive - And - Well - In - Middle-Earth, or the not-so-Easy-Ride, the bummer through Middle American mores. Vonnegut may not like Hesse's easy Eastern generalities, but the mystic sage Bokonen whose invisible presence is felt throughout *Cat's Cradle*'s zany interweavings is an acid-age sage, stoic relief from the paranoid mood of imminent destruction which dominates that futuristic, apocalyptic fantasy. Most of the trips, like the Merry Prankster's epic bus ride through the American Inferno recorded in Wolfe's *Kool-Aid Acid Test* are bad ones, closer in spirit to Kafka than Hesse, *Beautiful Losers* being a notable exception because of its beatific emphasis on the discovery of self through suffering. Only Brautigan transcends this pattern, his work pervaded by a

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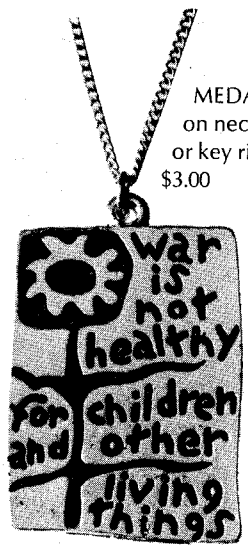

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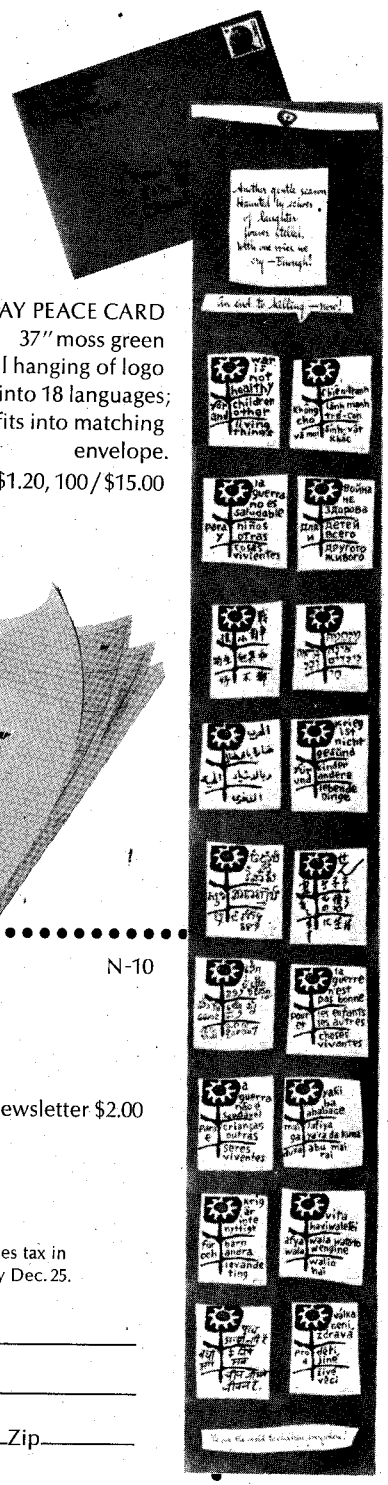

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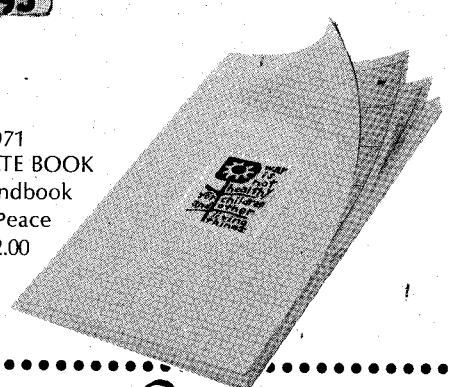

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Thoreau-like mood of harmony with Nature, child-like, wondering, affirmative, pacific.

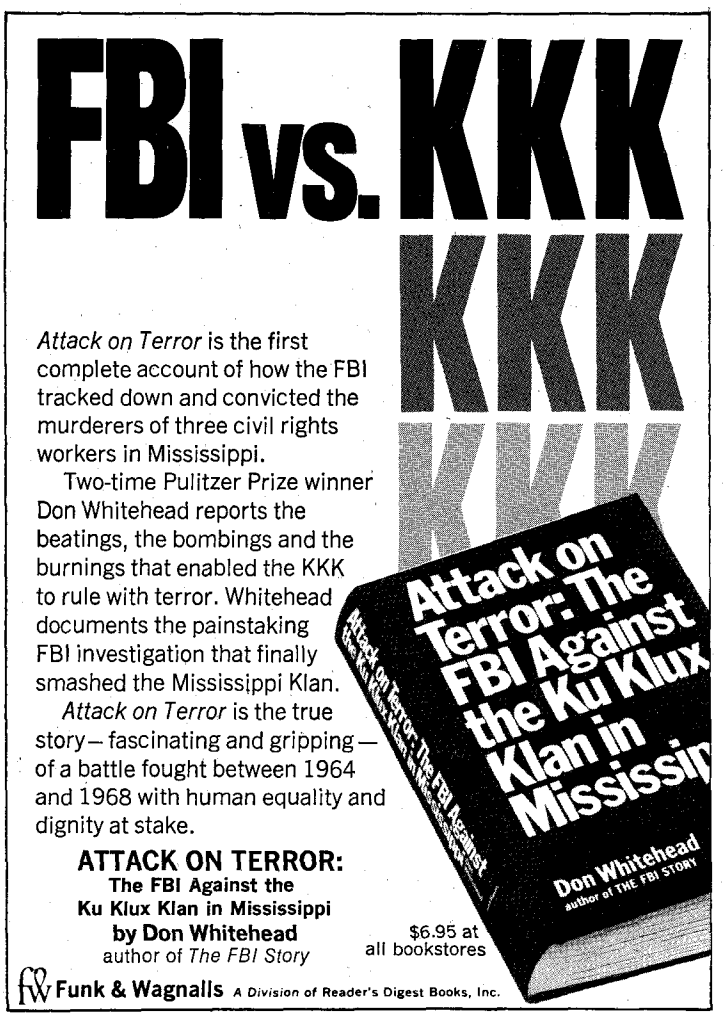
A third element, anti-establishmentarianism, characterizes the books The Kids are reading, and unless they are kindly old Hesse sages, authority figures do not come out very well in the stories that they like. The sequential ravishings of Terry Southern's Candy are nothing to what happens to her Daddy, who Warbucks-fashion turns up alive in the end, but as a feces-coated lobotomy case, a monstrous parody of gurudom. And Southern's fierce little *Magic Christian* manages to swamp the entire establishment in excrement, a boiling vat of it, filled with floating US currency like raisins in a pudding. Kesey's tyrannical Big Nurse is opposed by Randle McMurphy, a Lawrentian *ligam vitae*, who stands for the Freedom of the Flesh, and though he is ultimately conquered, the victory is pyrrhic. Farina takes on the University, Cohen slashes at institutionalized religion, and in *Catch-22* anti-authority, anti-establishment motifs gain voltage by being hooked in series with antimilitary, antiwar materials, the antihero a deluded, denuded victim of It All.

Catch-22 is growing venerable, as Kids Klassics go, but it is still read and admired, providing a link between the Old Fantasy and the New, the absurdist "black" humor of the late fifties (the tradition in which both Vonnegut and Southern write) and the new, emergent acid comedy of the sixties. Passive in suffering or in triumph, the "heroes" of these novels are seldom heroic in the conventional (though perhaps in the punctured) vein. Following Hesse's pattern, they are Eliot Rosewatery saints, whose agony may lead to their own enlightenment or not, but which obviously leads to The Kids'. Whether hooked on Hobbits or rocked by acid, The Kids are searching for the turf of Truth, and it is that search, winding through the mazes of Vonnegut's blackout world and the Art Nouveau convolutions and azure tints of Hesse's, which characterizes What The Kids Are Reading.

It is a very personal search. The one definite response I got last spring was when I attacked Kesey's literary art in much the same terms used by Steiner and Vonnegut against Hesse, that he used easy means to a cheap end. Like those at Brown, my own Kids were outraged, and in their anger told me what they were unable to express before. One student declared that *Cuckoo's Nest* was as great as anything by Shakespeare (I had cited *King Lear* as something dealing with cruel women and madness that was worth their admiration), and went on to clarify this apparently ridiculous statement by saying categorically that *how* the book said something wasn't important. The important thing was *what* the book said. So there you are, New Critics, and how now? Or better, *what* now?

Because it is obvious that intellectual aesthetic criteria like Steiner's have nothing to do with why The Kids are reading what they read. They do not so much cultivate favorite authors as favorite books, and however different those authors may appear to the discriminating, intellectual, aesthetic eye, their books provide in one way or another what The Kids want, and what they want is something which relates to their own experience, as individuals, or more important, as a class.

The Kids are anti-authoritarian, anti-institutional, anti-intellectual. They are pro-self-expression, pro-freedom, pro-feeling, pro-pot. They are joined together by oppression from without and by acid from within. They have their own music, their own costumes, their own diet, their own language, their own values. They are a nomadic nation apart, intensely religious, even evangelical, a mood which characterizes their politics and their individual and group conduct. Be it black or white magic, theirs is an occulture. If one wishes to reach them (if they wish to be reached), it is not going to be through Steiner snobbery or Vonnegut sarcasm. The Kids make discriminations, all right, but those discriminations are ethical, not aesthetic. They frankly don't give a shit for aesthetics, except of the "oh, wow!" variety. To borrow a phrase applied to their lineal ancestors, the Beats, The Kids are Holy Barbarians, and their favorite books reflect it in all ways.



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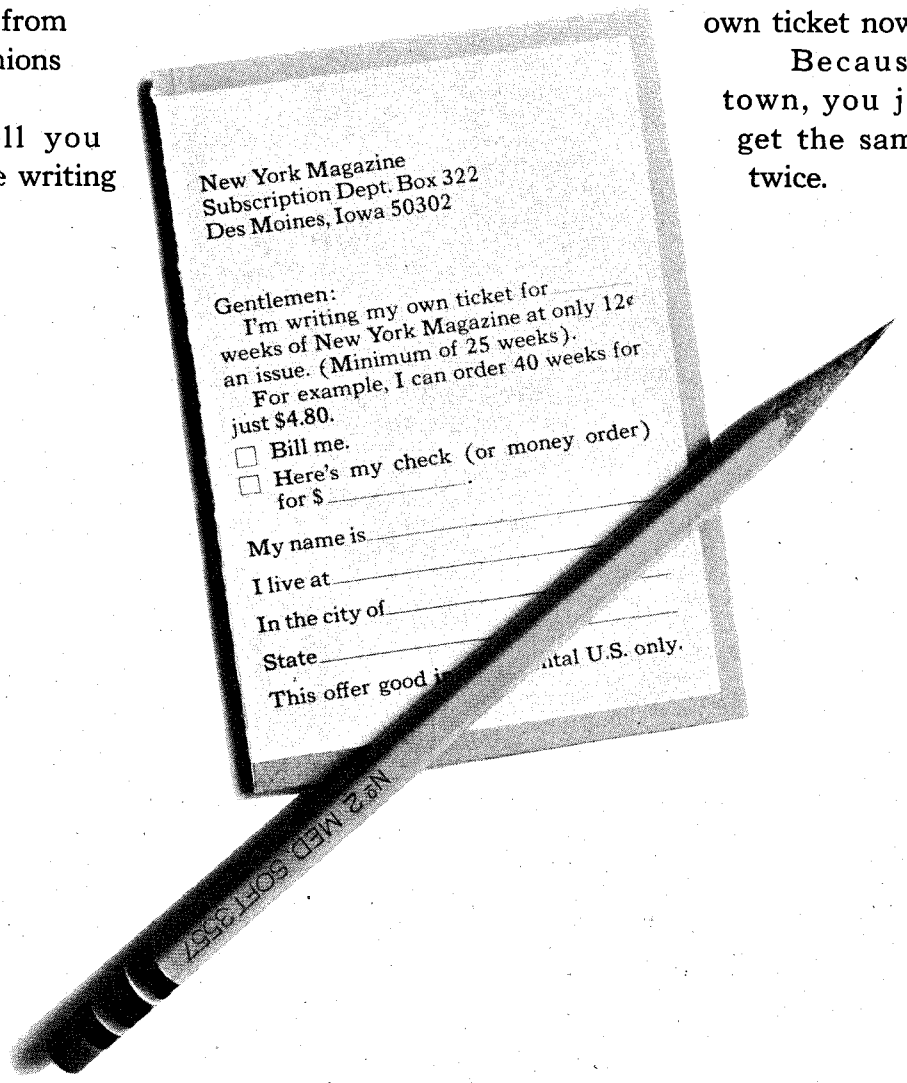

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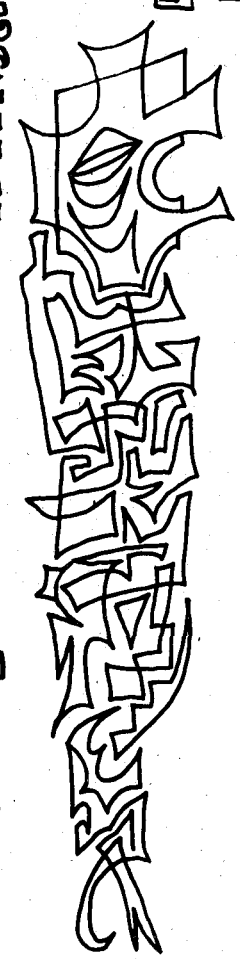
Hugh Kenner: Incurious Biographer

The Life of Ezra Pound by Noel Stock

(Pantheon; $10.00)

Here's a representative sentence: "He also dined with grandmother Sarah Angevine and 'Aunt Frank,' but whether this was at 2020 Estaugh Street, Philadelphia, where his grandmother lived from 1902 until 1925, or elsewhere, I do not know." If by page 92 the reader has forgotten who these ladies were, the unbelievably whimsical index won't help him. Never mind, their names are facts, the meal was presumably a fact, the address with its span of dates also a fact, if of dubious pertinence to the meal. A biography contains the facts of a man's life, does it not?

Paragraphs are made out of sentences, and out of sentences like that a paragraph like this can be made:



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Back in New York during the third week in November he was taken by the drama editor of the *New York Herald,* named Walsh, to the first night of a play called *Nobody's Widow* and was looking forward to the 'Russian Symphony.' About 21 November he posted the completed typescript of his Cavalcanti book to Small, Maynard & Company and began to plan the next book of poems in London.

More facts, though it's difficult to know what the last one means, since the planner of poems is still in America. Such paragraphs are not structural members but bags, of more or less uniform size, for packaging oddments. And—not to extend the demonstration—so are the chapters, and so is the book: a heavy box of oddments, many of them verifiable and most of them useless. A man bumps into this person and that person, checks into this hotel and that hotel, glances into this old church and that old church, reads this book and that book: the point is not that the *Life* is ill-written, but that, written with a radical inattention that infects the very structure of the sentences, it could be the life of just anybody. All becomes trivial.

Trivia are susceptible to trivial corrections. Thus we read on p. 101 how late in July 1911 Pound "met William Carlos Williams' brother, Edward, who was an architect," and inspected Italian churches with him. "At San Zeno when they came upon columns that are signed by their maker at the base, Williams commented that such handmade stone-work was impossible under modern conditions when columns were ordered by the gross." Well, the architect was named Edgar, not Edward; the columns in San Zeno, Verona, that arrested Ezra and Edgar—the two carved out of one stone with a common capital, on the left as you descend to the crypt—are signed on the capital, not the base; and as to Ed Williams' comment, it was not the banality here reported but (as Pound tells it in the *Cantos*) considerably more interesting: How the hell, he wanted to know, *could we have any architecture* when we ordered our columns by the gross?

Not a trivial remark at all. It implies, quite in Ruskin's way, that architecture is coterminous with directed attention: inseparable from detail lovingly executed. It is to this end that Williams' remark is quoted in Canto

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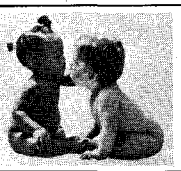
80 and the inscription on the column paraphrased in Canto 45; it is in this context of values that the Tempio Malatestiana at Rimini enters the poem, and its stone-carver Agostino di Duccio. The Tempio, an *assemblage* of congruent details, is one of the models for the poem itself that the poem contains. And homage to separate identifiable acts of attention is threatened by the sheer anonymous absent-minded power that is part of what Pound means by "usura" (hence "Duccio came not by usura").

We have in this incident at San Zeno, in short, an entrée to the unifying principle of the *Cantos*, and we need not be surprised that a biographer who gets the quotation wrong also supposes that the *Cantos* have no principle. ("Although he had no intellectual grasp of the work to be made he was determined nevertheless to write it," we are told on p. 291; and "in so far as the work asks to be taken as a whole it verges on bluff.") Mr. Stock's inability to read the *Cantos* has been for three years a matter of public record. He displayed it in a book called, oddly, *Reading the Cantos*.

But at least he has now established the facts of Pounds life? I wish I could feel more confidence. The errors I can recognize make me uncomfortable. So do the long stretches of paraphrase (if you're familiar with Pound's writings you've read a great deal of the book before, only better written). So does the way the great look of research dwindles, much of it, to taking the dates and addresses off letters (at least we now know, much of the time, when Pound was where; that's something gained). So does the almost total absence of documentation: two or three futile little notes per chapter, appended on no discernible principle. Insofar as the work asks to be taken for scholarship, it verges on bluff.

And what are the facts of Pound's life, finally? This is offered as one: "Pound was spending more time now with Wyndham Lewis, the belligerent author and painter. . . ." (p. 158) This statement is unintelligible unless its two proper names are more than counters. Lewis's mind had a characterizing vigor, not to be just lumped with Cassius Clay's as "belligerent." If Pound was "spending more time" with him in 1914 it was because Lewis was Lewis, so we need to know the meaning of being Lewis. Fortunately we can tell, though not from Mr. Stock; Lewis left enough books and pictures to disclose what it was that magnetized Pound. But other people are less accessible to enquiry. Whom did Pound meet when he met Allen Upward? Upward, whom Pound thought important, has dropped out of sight, and though Mr.



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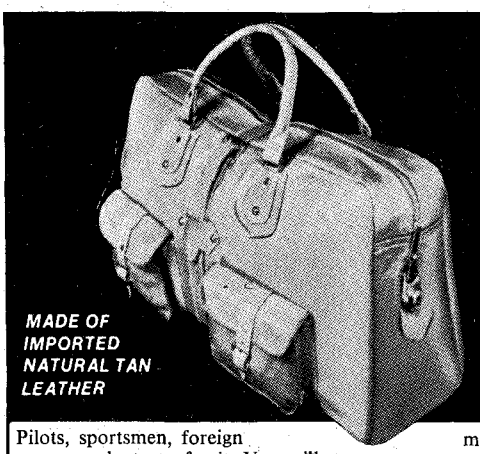

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Stock expends several hundred words of paraphrase on two articles Pound devoted to books of Upward's in 1913-14, he shows no sign of having read the books and tells us nothing about their elusive author.

Incuriosity, in fact, is his radical defect. He seems not (with minor exceptions) to have gone and looked, nor to have tried to make real to himself the people Pound saw repeatedly, nor looked into their actions and their writings. Of Olivia Shakespear, Pound's remarkable mother-in-law, we learn only that she was "a novelist who moved a good deal in the literary world and was a friend of Yeats"; of May Sinclair that she was "the feminist and novelist"; of Walter Morse Rummel, with whom Pound collaborated on troubadour music, that he was "the American pianist" whose way of playing Debussy Debussy liked (is there some *rapport* between Debussy and troubadours? I once heard a musician compare Pound's own music with Debussy's). That, no more, is the kind of thing we're told. Yet each of these people mattered to Ezra Pound. If we pay them no heed we aren't going to find out who *he* was.

Places mattered to him also: Montségur; San Zeno at Verona; Sigismund Malatesta's Tempio; the cloisters of St. Trophime in Arles; Galla Placidia's mausoleum in Ravenna; above all the Lago di Garda. The impact of these wonders on his mind receives no attention. Why is Garda, for instance, and not some other lake, the place where throughout his poetry one expects manifestations of gods? Such a question is not noticed, though we are told the name of the hotel he favored there, and the price of a meal.

For what Pound bumped into by chance he did not thereafter frequent out of habit. Nothing, no one, continued to interest him unless some possibility was disclosed. In the people he elected to associate with he saw a spectrum of exciting possibilities. The artifacts he selected disclosed possibilities likewise: if Duccio had transfigured stones in the Tempio, then stone – this is something to learn – can be transfigured (could be again). A good line, a good image, disclosed the possibility of a poem, an *oeuvre;* an illuminating remark, the possibility of a *Gestalt* of such illuminations. When the man who wrote the good line often didn't write the poem, or the author of the intelligent observation went on to say banal things, well, that is the human condition. The radiant detail remains. Pound collected them.

Such a life, usefully written, would be a chronicle of acts of attention, and exact of the chronicler a corresponding attention. Mr. Stock's inert sentences, his uninspected connectives, his flaccid verbs lying between noun and noun, do not radiate attention. So when Pound about 1939 lapsed for once in his life into a general idea, anti-Semitism – an idea he has since categorically repudiated, though Mr. Stock does not tell us that – the reader of this biography is unprepared to see how uncharacteristic it was, what a symptom of isolation, confusion, rage; and the old myth of a man raging all his life at hook-nosed villains goes unneutralized. Mr. Stock is candid and judicious on this topic, but cannot prevent the reader from supposing that Pound tended to fall into any folly that was handy.

And as to what makes a man write a weary life of a man he no longer much cares for, though for some years a while back he was "embroiled in Poundian ferment," well, the unkind may speculate. The prudent will forget the whole episode.

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John Greenya: He Didn't Find It Purty

People
by Richard T. Stout
(Harper & Row; $8.95)

"Maybe you can do more for this country as a candidate than as President," McCarthy commented to a friend when it was over. Perhaps what he did accomplish would not have seemed so large had he won the Oval Office rather than lapsing not so gently into the quiet night of lame-duck Senator. . . .

"No one who's insensitive to poetry and song can have respect for learning," McCarthy would say, paraphrasing an ancient Welsh poet. "And no one who has no respect for learning can have real respect for justice, and no one who does not respect justice can, in fact, manifest a true love for his country."

Richard Stout, Washington correspondent for *Newsweek,* obviously has respect for country and justice and learning – and poetry. The line, ". . . than lapsing not so gently into the quiet night of lame-duck Senator" is a paraphrasing of the key line of a Dylan Thomas' poem, "Do not go gentle into that good night." What makes this choice so interesting is the implied parallel; in the Thomas poem the speaker is passionately urging his dying father to fight death's coming ("Rage, rage against the dying of the

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light.") How apropos that must seem to the hundreds of thousands of Americans for whom Eugene McCarthy became a political and spiritual father.

Stout covered the McCarthy campaign from its unimpressive beginning to its unimpressive end, but he realized the importance of its impressive middle, so he went back to follow up, fill in, and analyze the McCarthy Movement. The result is a fine book, neither pop nor pomp. And, like Eugene McCarthy, it is also entertaining. For a great many readers it will be much easier to follow.

The McCarthy campaign awakened many Americans to the potential, and perhaps even to the promise, of the country's political system. Stout reports this very well, in the serious manifestations and the not-so-serious:

> . . . suddenly Barbara Underwood finds herself listening to her husband on the telephone saying yes, McCarthy *will* play hockey tonight, so borrow some skates, size eleven and a half or twelve. It is February 6 and when the pictures of McCarthy skating like crazy, holding a hockey stick and wearing a helmet, get across the country it proves he's alive, and this is when the campaign starts to pick up. The skates come from a fellow named Bower, and during the hockey game McCarthy gives Bower a vicious body check sending him sliding across the ice with a curious look on his face; and finally McCarthy's campaign aides, fearing he's going to injure himself or drop dead of a heart attack, implore Underwood to exert his physician's wisdom and get McCarthy off the ice, which he does, much to McCarthy's relief. In a few days all over New Hampshire McCarthy workers are passing out windshield scrapers with an etching of McCarthy playing hockey and the words "McCarthy Cuts Ice."

That was New Hampshire when things were beginning to go well. Later they went even better, and later than that they went not at all. Stout follows the campaign and tells it fairly and with a minimum of bias, for it is clear that he too likes McCarthy. But it is very clear that he knows his subject:

> It was a classic McCarthy response to questions he felt unnecessarily hypothetical. He would usually criticize the question and the questioner, then launch into an acidulous answer composed of a multitude of conditions which he did not always delineate as clearly as he imagined he had; and when he would be misunderstood, he would then implicitly criticize his listeners for not having listened closely enough.

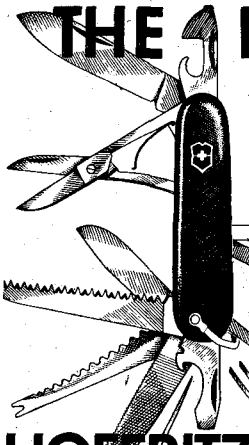
And there is gossip here too, but the overcurious will be disappointed for it is mainly political gossip. There are no tasteless revelations. Stout is a good journalist and he does not puff himself up at the expense of his subjects and their private lives. Another thing that shows his professionalism is that he underplays the tragedies of the convention and the assassination of Robert Kennedy, but he carefully records McCarthy's responses.

I have a couple of quarrels with the book. One is that I didn't find valid support in the text for the claim, printed on the cover, that "the grassroots movement that found Eugene McCarthy . . . is transforming our politics today." This is not to say that I wouldn't love to see that transformation, only that I didn't get the feeling from the book that the movement was all *that* healthy. Nor, I might add, do I get that impression from reading reviews of Scammon and Wattenberg's *The Real Majority* or Michael Harrington's recent New York Times article, "A Radical Strategy – Don't Form a Fourth Party; Form A New First Party."

Another complaint is really a compliment. I wanted to see more of Stout's own feelings and experiences. More of this:

> And so McCarthy plodded through Indiana, seeming as much on a quest to stay in every Van Orman hotel in the state (and they weren't too spiffy) as running for President. "They kept talking about the poet out there," he would say later. "I asked if they were talking about Shakespeare, or even my friend Robert Lowell. But it was James Whitcomb Riley. You could hardly win under those circumstances." I am a hoosier and enjoy quoting Riley, and one night in a Van Orman hotel bar, to an audience that included McCarthy, I was reciting Riley's poem "Joney," about a disfigured young man made fun of until he drowned rescuing some children from a pond at a church outing. "Purty is as purty does," went the last line, but McCarthy was not around to hear the finish.

THE KNIFE



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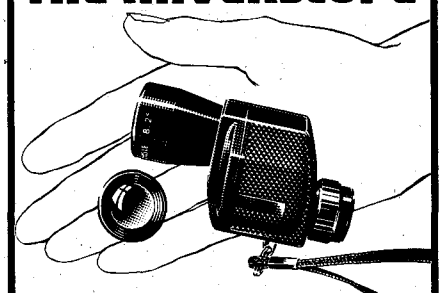

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Television

Sweet Corn

Arthur Fiedler, the handsome white-haired leader of the Boston Pops Orchestra wound up a series of concerts for National Educational Television last week with a program of powerfully odoriferous oldies, up to and including *Auld Lang Syne*. He proved that he was the king of corn, and he even produced a barbershop quartet while the audience sang, rocked back and forth, clapped and drank beer (there was also a quick camera vision of what looked like martinis). At the end the announcer briefly recapitulated the programs in the series – which had included a fine round of *Peter the Wolf* – and signed off ambiguously, seeming to suggest that another series was unlikely.

On the off chance that the moguls are looking for audience response, here's one: let's have more, more. Fiedler's corn is mostly precise, professional and eloquent – though when he tries jazz it sounds like an elephant tap-dancing – and the camera work is great. I don't think I'd want to see and hear a Pops concert on a 27-incher with tweeters – then it would seem pretentious and *frightfully* boojwah – but on my portable with its two inch speaker the reception was great. I and my family liked the corn, and my three-year-old daughter danced the corn. More, I say.

Music on NET – at least on the Washington, D.C. station – has been extraordinarily good for the last year or so, from Pete Seeger and rock concerts to gold-plated symphonies. I have no dope on the ratings for non-commercial musical programs, and don't know if the amount of music to be broadcast in the coming year will be greater or less than last. But for what has already been done, bully.

The commercial people on the other hand have been dreadful; they can imagine music only as reinforcement for melodrama – this is the Hollywood tradition – or as part of variety shows, with each number lasting three minutes. What a daring innovation it has been for the NET people just to let the music roll without interruption (such is the state of this blastedly artificial medium that letting it roll *is* an innovation). The leisure of not meeting 3-minute deadlines is balanced by the nice intensities engendered by slow development. The whole medium, during a good music program, seems even potentially *sane*. Obviously the TV merchandiser-experts can have had little to do with this extraordinary development.

Sedulus

Correspondence

Lindbergh

Sirs:

In his review of *The Wartime Journals of Charles Lindbergh* (Oct. 3), Mr. Reed Whittemore takes us to task for a column in which we made what he calls "thoroughly intemperate" remarks about this "thoroughly civilized man." "Yahoo journalism," Mr. Whittemore says, calling up the memory of tabloid reporters who hounded a man whose little boy had been murdered.

Now Mr. Whittemore is a poet and he ought to be more careful with his thought, and his words.

Surely he should recognize a distinction between trying to force your way into a man's home to take pictures of him in his grief, and commenting upon a man's political philosophy and activity – which is what our column tried to do.

Was our comment "intemperate?" We said, speaking of Lindbergh's sudden emergence on the political scene in 1941, "It was a shock – this discovery that the Lone Eagle had a muddled mind about race, thought in terms of Aryanism and purity and could align himself with Colonel McCormick, America First and those who referred to the President as Rosenfeld with knowing nods." Perhaps Mr. Whittemore was not shocked at the time any more than he seems to be now, but in what way is this description "intemperate?"

As an airplane driver, Lindbergh was extraordinarily brave and adventurous. But we were not commenting on his courage, but on his politics and thought which is what a man who writes a book about politics and thought may expect. Any man who could describe Hitler as "establishing a new tempo possibly more in keeping with this modern age," defend the rearmament of Germany but oppose selling aircraft to France, describe the war as "lost" and excoriate those who saw an issue of morality between Hitler and Churchill as tools of the "Jewish interests," may as a political thinker be described as a disaster.

And what is all this nonsense about Lindbergh as "the thoroughly civilized man"? Does Mr. Whittemore honestly believe that any "thoroughly civilized" man can view furnaces which helped the Nazis murder six million Jews, and compare it to our treatment of "the Jap" (Lindbergh's word)? Do thoroughly civilized men (or for that matter, literate men), say that we "lost" the war because in crushing Germany "much of our Western culture was destroyed through the loss of the genetic heredity formed through aeons of many million lives?"

What we said – and we stand by it at the risk of remaining in Mr. Whittemore's pantheon of "Yahoos" – is that Lindbergh's words, then and now, are not civilized, but obscene.

Frank Mankiewicz
Tom Braden
Washington, D.C.

Sirs:

. . . splendid piece on Lindbergh, the concluding paragraphs in particular.

Jonathan Yardley
Greensboro Daily News

Israel

Sirs:

As a subscriber for over ten years I was shocked by your frightfully biased article, "Israel Against the Wall," in the September 26 issue. You completely ignored a number of very important facts.

1. Israel had no right to this land in the first place, as Great Britain or no one else has any right giving away stolen land.

2. Israel never compensated the Palestinians for this land.

3. There are several hundred thousand Palestinians who have been deprived of their land and are now living

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in exile and poverty. Surely you do not condone this.

4. In 1956 Israel, in connivance with France and Britain, attempted to annex large areas of Arab land.

5. In 1967 Israel struck a "Pearl Harbor" type blitzkreig and annexed large areas of Arab land.

6. You say that Israel should be heavily reinforced when they have had overwhelming military superiority for at least fifteen years.

7. Senator Fulbright's plan, which is the only possible way to bring peace to this area, was savagely denounced by Israeli leaders, proving that they want expansion and only a peace that would condone this expansion.

8. The quibbling over the missiles is ridiculous, as they are purely defensive, are 120 miles inside Egyptian territory and only 60 miles from Cairo.

In spite of my statements in 1 and 2, I completely support full guarantees for the security of pre-1967 Israel by the United States, the Soviet Union and the United Nations. How would anyone dare to defy such a guarantee? Also, as Bertrand Russell said shortly before his death, the displaced Palestinians should be properly compensated.

The last paragraph in your article frightens me. It appears to me that you are advocating substituting the Middle East for Southeast Asia and Moshe Dayan and Golda Meir for Ky and Thieu. It is all vicious imperialism and it should all be condemned.

Lauritz H. Rasmussen
Milton, Mass.

Kauffmann, *from page 21*

differences of quality within the province of pornography do not affect that distinction. Still it's a pretty dull dog who has never got any kind of fun from a pornographic book, and *Fanny Hill* would still be amusing in Utopia.

But performed pornography, almost always lumped with fiction, is different. Pornographic action that is filmed or staged or posed for still photographs – pornography *done* by people, not invented by writers or draftsmen – runs right into the matters of social change mentioned above. Performed pornography is an exercise in the humiliation of women. (It can be argued that porno fiction humiliates them, too, in value, but at least they don't physically participate.) The men who are involved in porno performance, though not precisely ennobled, are not being so humiliated. They are treated as masters, usually, and the performances are done for their satisfaction. Those male performers are vicars for the almost entirely male audience. Performed porno is a species of male revenge on our social systems of courtship and monogamy, courtship in which a man has to woo a woman to get her to bed or wed him or both, monogamy in which he has nominally to forego the favors of other women all his life in order to get hers. Performed porno makes every man a sultan.

But it is time out from civilization. Vindictiveness is mean, essentially, and money-coercion is brutal – whether the coercion is on Madison Avenue, in Detroit, or in a sex-flick studio; and it's especially brutal when it produces, not just profit but pleasure.

The growing realizations about the historic mistreatment of women, some new aspects of community, the thorough reexamination of social values generally, some understanding of the interplay of money and sex, the growing hungers for moral honesty – all these forces which are now evident in our society, though hardly yet triumphant, are the real enemies of pornography. (The Lockhart report is one manifestation of the existence of those forces.) Censorship laws, besides being questionable in legality and enforcement, only make porno more desirable, particularly among those who don't like being bossed in their private lives, and those laws do not alter basic causes. Once those obscurantist and provocative laws are out of the way, there will be more chance for the social changes already in motion to prosper.

A last point. The usual complaint against porno is that it distorts sex by depersonalizing it. I think this is inaccurate. Porno (performed) tells the truth about sex: that it *is* impersonal, that the complete identification of love with sex is a romantic fabrication. Many people, especially women, could not begin the sex act with partners to whom they feel no specific attraction, but the specifics fade as the act progresses, and it ends in the greatest commonalty of the human race. Porno is ruthless. It proves that love, or anything remotely like it, is not essential to sex, that love is an invention and has a limited congruence with sex.

But my own view is that love is a good invention, the best idea yet devised for getting through life with minimal loneliness. I suppose that plenty of loved and loving people go to porno shows occasionally, but still it can be said that porno is implicitly an attack on love by an audience of the insufficiently loved, who get their revenge by insisting that a screw is only a screw. And I don't like to see the love-invention attacked.

There is, as yet, no sure cure for lovelessness. Who can imagine a society entirely composed of happy mates? But maybe we can imagine a society whose concept of love discards the implications of restriction, a society where sexual health is as much a part of decent social obligation as physical health and cleanliness now are, where the "liberation" of women also means the liberation of men from the calculated and managerial subservience of women. Such a society would not need porno to "prove" that love is just sex after all. Such a society would have a better chance to arrive if our lungs were free of the sulphurous stench of porno laws.

Such a society is not flatly impossible, as things look. Officialdom has now made its first small recognition of that fact. The Lockhart report is just possibly epoch-making, and it's an epoch that needs to be made.

Correction: In the lead note last week ("The Lindsay Idea") we erroneously stated that Spessard Holland is the Democratic senatorial nominee in Florida. He's not. Lawton Chiles is the Democratic challenger of Republican William C. Cramer.

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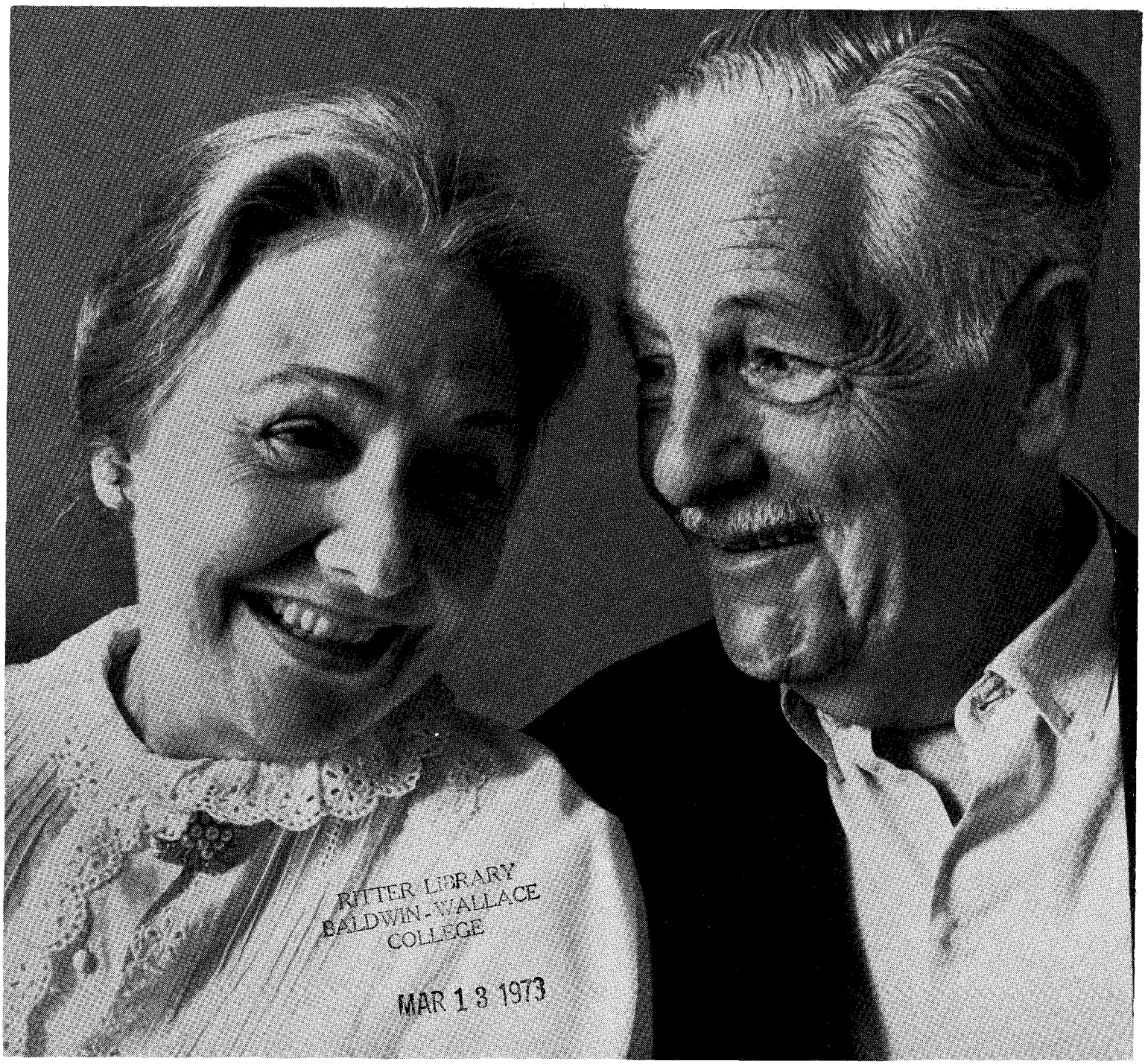

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